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No. EP:10-CR-2213-KC

El Paso, Texas

May 21, 2012

VOLUME II

UNITED STATES DISTRICT JUDGE

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4 Proceedings recorded by stenotype. Transcript produced by
5 computer-aided transcription.

1 COURTROOM DEPUTY: EP:10-CR-2213, USA versus Ramon
2 Renteria.

3 MR. SKARET: Good morning. Brian Skaret, Joseph
4 Cooley and George Leal for the United States.

5 THE COURT: Announcements?

6 MR. FOSTER: Scott Foster for the defendant. We're
7 ready to proceed.

8 THE COURT: We're about to bring in the jury so I can
9 finish instructions, then opening statements. As we talked
10 about, each side has indicated to me 20 minutes. Um, do you
11 want notice when you're getting close? If so, how much time?

12 MR. SKARET: Yes, Your Honor. If at all possible,
13 before I address this, I wanted to let the Court know that over
14 the weekend we have trimmed down our witness list a little bit.
15 Um, we do not anticipate calling Rigoberto Fragoso. We do not
16 anticipate calling Gustavo Gallardo.

17 Rigoberto Fragoso is here. He's in the area. So, I
18 mean, he could be put in reserve. We don't anticipate calling
19 him.

20 THE COURT: Okay.

21 MR. SKARET: With respect to Gustavo Gallardo, he's
22 come from a long way. The Marshals would like to remove him
23 from the area. We want to ask for permission to proceed with
24 that.

25 THE COURT: If you're sure you're not going to use

1 him, that's fine. Okay.

2 MR. SKARET: With respect to what you're getting at
3 with time limits, you know that throughout the course of my
4 time here I have consistently under-promised on the timing.
5 And I think in going through my opening this weekend I might
6 need a few more minutes. If I could ask for 30 minutes, I
7 would appreciate that.

8 THE COURT: Each side will have 30 minutes. At what
9 point do you want notice that you're getting close?

10 MR. SKARET: Maybe 25 minutes.

11 THE COURT: Okay. All right. On behalf of defense,
12 when did you want to know that you're getting close?

13 MR. FOSTER: Judge, I don't anticipate needing that.
14 I would ask if I could reserve my opening statement until the
15 defense case.

16 THE COURT: You certainly can. All right. Then if --
17 since I'm giving him five-minute notice, if you get close, I
18 will let you know. All right.

19 The next question is, my understanding is there are a
20 number of witnesses that are going to be brought in to testify
21 that are prisoners. The Marshals would like to keep them in
22 their prison garb in shackles. Does anybody have any problems
23 with that? There's no question they're in prison.

24 MR. SKARET: We would object to the hands just because
25 it may be necessary to handle exhibits.

1 THE COURT: Okay. Other than that, no problems with
2 shackles on the feet?

3 MR. FOSTER: I'm in agreement.

4 THE COURT: That's fine. And then any other matters
5 before we go into final instructions?

6 MR. SKARET: Just to ensure that we have the Court's
7 permission to have seated in the courtroom Special Agent
8 Samantha Mikeska and two other agents, Gregory Waterson and Jim
9 Krieger. We also would like permission to designate Andy
10 Sanchez to sit in the courtroom. He's our expert witness. And
11 we would like him to listen to the evidence.

12 THE COURT: Any objections?

13 MR. FOSTER: I don't have any objections, Judge.

14 THE COURT: Then -- is someone going to invoke the
15 Rule?

16 MR. FOSTER: Judge, we would ask the Rule be invoked
17 except for the witnesses named.

18 THE COURT: Are there witnesses available to be sworn
19 in today that are here? I mean, I see a lot of people in the
20 courtroom. But I don't know if they're witnesses or just
21 observers. But if there are witnesses, then I need to swear
22 them in. Yes?

23 MR. SKARET: Yes. The people that are here in the
24 courtroom are in the courtroom. Andy Sanchez and Mr. Jim
25 Krieger.

1 THE COURT: But there's no witnesses that are gonna be
2 excluded that are in the courtroom?

3 MR. SKARET: No, Your Honor.

4 THE COURT: Okay. Then don't worry about it. We'll
5 swear you in. But if witnesses do start showing up, I wanna
6 make sure that they understand the Rule. They don't, like, sit
7 out in the hall and talk. So, please, let me know if either
8 side has witnesses here, we'll swear them in. Okay? All
9 right?

10 Is there anything else, then, we need to address
11 before we get started?

12 MR. SKARET: Nothing from the United States.

13 MR. FOSTER: Were you going to do the stipulations?

14 MR. LEAL: Prior -- prior to the first witness being
15 called we do have stipulations. So after opening statement,
16 we've got stipulation facts one through four that we're going
17 to offer prior to the first witness.

18 THE COURT: Okay. And that's fine. All right. Then
19 we'll do that. We'll do opening statements first -- I guess
20 opening statement first and then the stipulation. Okay. Then
21 we're ready to bring in the jury.

22 (Jury enters courtroom.)

23 THE COURT: You may be seated, Ladies and Gentlemen.
24 Ladies and Gentlemen of the Jury, by the oath that you took
25 last Friday as jurors you have become officials of this Court

1 and active participants in the administration of justice. If,
2 at any time, you cannot clearly hear the proceedings, please do
3 not hesitate to let me know. Just raise your hand. Let one of
4 the CSOs or Mr. Martinez know. But it's important that you be
5 able to hear everything. So if you can't hear, let us know.
6 Please do not discuss this case with anyone during your service
7 as jurors.

8 To maintain the integrity of the jury system, you're
9 not to discuss the case with anyone, even amongst yourselves
10 until you are told to be to begin your deliberations. Please
11 listen carefully to the testimony.

12 The lawyers may choose to make opening statements in
13 this case. These statements are not evidence, but are made to
14 help you understand the nature of the case and of the evidence.

15 The evidence that you may consider will consist of
16 testimony of the witnesses. Evidence will also be presented in
17 the form of physical objects or documents called exhibits.
18 Each of you must determine the facts as you see them.

19 To do so, you must evaluate the credibility of each
20 witness and decide the weight and value to be given their
21 testimony. In considering the weight and value of the
22 testimony of a witness, you may consider the person's
23 appearance, their attitude and behavior, the person's interest
24 in the outcome of the case, his or her relationship to the
25 defendant or with the United States, the inclination of that

1 witness to tell the truth, the probability or improbability of
2 that witness's statements, the reasonable inference from those
3 statements, and any and all other factors that you feel will
4 help you in giving the testimony of that witness the degree of
5 credibility that you feel that it deserves.

6 You will be allowed to take notes throughout the
7 trial. And I notice a number of you have tablets. I will be
8 supplying paper and pencils throughout the trial in the jury
9 room. Any notes that you take throughout the trial are only
10 aids to your memory. If your memory differs from those notes,
11 you should rely on your memory and not on the notes. Your
12 notes are not evidence. If you do not take notes, you should
13 rely on your independent recollection of the evidence. And you
14 shouldn't be unduly influenced by the notes of any other juror.
15 Notes are not entitled to any greater weight than the
16 recollection or impression of each juror about the testimony
17 you hear.

18 Remember, you, as the jurors, must decide this case
19 solely on the evidence that is presented here within the four
20 walls of this courtroom. This means that during the trial of
21 this matter, you must not conduct any independent research
22 about the case, the matters in the case, and the individuals or
23 entities involved in this case. You cannot read or listen to
24 any press coverage. You must immediately turn off any
25 broadcast you might hear regarding this matter. And you must

1 not read any article that covers this matter. You should not
2 consult dictionaries or other reference materials, search the
3 Internet, websites or blogs or use any tools, electronic or
4 otherwise, to obtain information about this case to help you
5 decide the case.

6 Please do not try to find information from any source
7 outside the confines of my courtroom until you retire to
8 deliberate. As I've previously stated, you may not discuss
9 this case with even own your fellow jurors. And when this
10 Court instructs you to begin your deliberations, you will
11 retire to the jury room and then you may begin discussing this
12 case with your fellow jurors. But not before you are
13 instructed.

14 At that time you cannot discuss this case with anyone
15 else until you've returned a verdict and the case is at an end.
16 I know that many of you use cell phones, iPhones, Blackberries,
17 the Internet and other tools of technology. You also must not
18 talk to anyone about this case or use those tools to
19 communicate electronically with anyone about the case. This
20 includes your family and your friends. You cannot communicate
21 using the cell phone through the e-mail, Blackberry, iPhone
22 text messaging, Twitter or through any blogging or website,
23 through any Internet chatroom or any other social networking
24 site including, but not limited to, Facebook, MySpace, LinkedIn
25 and Youtube. If you are selected -- I'm sorry.

1 It's important that now that you've been selected as
2 jurors, that if you don't do all of this, it can result in a
3 mistrial. Which means I have to start all over again. So it's
4 important that each of you follow and obey all of those
5 instructions.

6 You -- as we begin the trial, um, I want you to listen
7 carefully to all of the testimony. If you -- once you go back
8 to begin your deliberations, oftentimes I will get a request
9 for a read -- for something from the transcript. Understand,
10 that the law is clear. The law provides that if the jury
11 disagrees as to the statement of any witness, then they may,
12 upon applying to the Court in writing, have read back to them
13 from the court reporter's notes only that portion of the
14 witness's testimony on the particular point that is in dispute
15 and no other.

16 That means that after I receive a request about the
17 transcript, I have to instruct my court reporter, Mr. Perez, to
18 go through all of the testimony of the entire trial and find
19 the testimony on that particular point that's in dispute. It
20 takes a lot of time. It's very time consuming.

21 So it's important that throughout the trial you listen
22 to the testimony and the evidence carefully. Requesting a feed
23 back can take a long time -- a read back, I'm sorry.

24 The trial will proceed as follows: One, the
25 government's attorney may make their open statements. Then the

1 defendant's attorney may make an opening statement or reserve
2 the right to do so at a later time. Then, the government will
3 offer any evidence through witnesses. And the defendant's
4 attorney may cross-examine each witness. When the attorney for
5 the government has finished presenting all of their case, then
6 the defendant's attorney may present evidence. But, remember,
7 the defendant is never required to prove his innocence.

8 The government's attorney may then cross examine each
9 defense witness, if any. When the defense is finished
10 presenting its witnesses, then the government may put on
11 rebuttal witnesses. At the conclusion of all of the
12 presentation of the evidence, I will give you the Court's
13 charge. And then each side will have the opportunity to make
14 their closing argument. And then you will begin your
15 deliberations.

16 At this time we're gonna begin with opening
17 statements. And, again, remember all the instructions the
18 Court has given you.

19 Whenever you're ready.

20 (Government opening statement.)

21 MR. SKARET: Thank you, Your Honor. Good morning,
22 Ladies and Gentlemen. Prison riots, walking the yard,
23 controlling the yard, gang treaties, and gang wars. Gang
24 symbols, tattoos, the number 21, Aztec culture and hand signs.
25 Drugs, dealing drugs, doing drugs, smuggling drugs into

1 prisoners, smuggling them across the border into the United
2 States, into El Paso and beyond. Heroin, cocaine, and
3 marijuana. Kilograms, ounces and dime bags. Extortion,
4 quotas, street tax and cash money. Gang members, ex-members,
5 soldiers, esquina, prospectos, sergeants, lieutenants and
6 captains; five captains. Violence in the street. Violence
7 behind bars. Beatings, broken arms, broken legs, guns, rifles
8 pistolas, knives and shanks and murder.

9 This is the Barrio Azteca. And we expect the evidence
10 in this trial to show that the Barrio Azteca, or simply the BA,
11 is a ruthless, violent and organized gang with largely one
12 goal, power. Power in prison and power on the street.
13 Hundreds, if not thousands, of hardened men, young and old,
14 serving time in the United States and in Mexican jails and on
15 the streets of these two countries have joined the Barrio
16 Azteca. They follow Barrio Azteca rules. They rise through
17 the ranks. They do the business of the Barrio Azteca. And
18 they have sworn ultimate allegiance to the BA family which
19 takes priority over all other things, including God, country,
20 parents, wife and children.

21 So what gives the Barrio Azteca this power? Well,
22 you'll here that this is a gang that relies on strict rules to
23 enforce its structure. And those rules are brutally enforced.
24 You will hear when those rules are broken, the Barrio Azteca
25 does not hesitate to handout what they call a calentada.

1 Serious beatings. Or with gravy, a really serious beating.
2 And when the BA determines someone is an enemy, they put that
3 person on their hit list. They issue the green light. Their
4 orders of violence are sometimes general. Give him a
5 calentada. Sometimes more specific. Break his ribs. And
6 sometimes deadly. Kill him.

7 The BA maintains its power through drug trafficking.
8 You will hear that through treaties with the Juarez drug cartel
9 they buy heroin, cocaine and marijuana at the source in Mexico.
10 The BA sells in Mexico. They smuggle drugs into the United
11 States. They sell to dealers and users on our streets. They
12 also smuggle the drugs into U.S. and Mexican prisons. And you
13 will hear that having drugs in prison is power. Having money
14 in prison is power. And the BA has a lot of power.

15 They maintain some of this power through extortion.
16 These are the guys that charge drug dealers money in order to
17 sell drugs on the Barrio Azteca turf. That money is put into
18 what they call a BA bank. And the money is used to pay for BA
19 expenses and sent to the BA in prison. Perhaps, most
20 importantly, the Barrio Azteca thrives on a complicated web of
21 communication. Because the gang operates on the street and in
22 prison, the gang must rely on communication to enforce its
23 dictates and to communicate on the street.

24 The BA in prison smuggles cell phones into prisons to
25 direct everything that's going on in the free world. And when

1 they're not on the phone, they're writing letters, coded
2 letters. You will see in this case how a BA letter that
3 doesn't make sense to you and me amounts to a death sentence to
4 a man who lived right here in El Paso.

5 To maintain power the BA needs strong leaders. And
6 you will hear that this organized -- organization is led by
7 five men, five captains. Or, as they're called, five capos,
8 who rule the U.S. prison system and the streets of El Paso from
9 the confines of their cell or from their secrecy and anonymity
10 of the street. These are the five men that have the final say
11 about who's in and out, who's getting promoted, who gets
12 demoted. And in some cases who lives and who dies.

13 Captain number one, Benjamin Alvarez. Convicted in
14 2008 right here in El Paso of racketeering. Sentenced to life.
15 Currently behind bars at the ADX super maximum in Florence,
16 Colorado. Captain number two, Manuel Cardoza, also known as
17 Tolon. Convicted right here in El Paso in 2008 on racketeering
18 charges. Currently behind bars at Texas Department of
19 Corrections where he's serving a fifty-year sentence for
20 murder. When he's done with that sentence, he will serve his
21 federal sentence on the racketeering charge. Tolon is in
22 charge of the BA's operations in Texas state prisons.

23 Captain number three, Carlos Pereyra. An individual
24 who goes by the name Shotgun. Also convicted here in El Paso
25 in 2008 of racketeering and sentenced to life. He served the

1 last couple years of his sentence at a prison in Pollock,
2 Louisiana. It's called U.S. Penitentiary Pollock. Recently,
3 he was transferred to the U.S. penitentiary in Florence,
4 Colorado.

5 Captain number four, Eduardo Ravelo, who also goes by
6 Tablas. Ravelo is an FBI top ten most wanted fugitive. You
7 will hear he runs all operations for the BA in Mexico. So
8 that's three BA captains serving life here in the United
9 States. And there's one capo who's on the run in Mexico and
10 taking charge of the Mexican operations. But there's one more
11 captain. There's one more leader. And that is exactly why
12 we're here today.

13 The judge introduced you to the defendant as a man
14 named Ramon Renteria. And you will learn the name that he goes
15 by in the Barrio Azteca. You will learn the name that he is
16 known by in prison and on the streets. And that name is Spook
17 or Spooky.

18 Ladies and Gentlemen, this is the fifth captain of the
19 Barrio Azteca. The evidence will show that the defendant
20 joined the Barrio Azteca, that he ruthlessly proved himself in
21 jail, that he coordinated BA business while he was behind bars,
22 that he directed drug trafficking on the streets while he was
23 confined in his prison cell. And when he got out of the jail,
24 he became a captain. He ordered beatings on the street. He
25 took charge of the BA's bank and started funneling money to the

1 BA's leaders in prison. He ordered a drive-by shooting in El
2 Paso. He participated in serious violence, including a
3 stabbing right here in El Paso. And he coordinated drug
4 trafficking with the BA brotherhood in Juarez. And speaking of
5 Juarez, as soon as he got out of prison, he got real tight with
6 the BA leaders down there. And he got a walkie-talkie to
7 communicate down south.

8 So this is Spooky. If there's any doubt about his BA
9 nickname, you will see it tattooed right here on the back of
10 his arm. Spook. And if there's any doubt about the
11 organization that he leads, you will see it in bold ink across
12 his stomach. Azteca.

13 So you may be thinking, how does someone like Spooky
14 rise to the top? How do you become a captain of the BA? Well,
15 it's not unlike other things in life, I suppose. You've got to
16 know people and prove yourself. Well, proving yourself and
17 knowing the right people have gone hand in hand for Spooky for
18 many years. He proved in 2003 when he was incarcerated in New
19 York obeying a BA order and brutally stabbing and enemy of the
20 BA. That stabbing gave Spooky the instant credibility in
21 prison and on the streets and gave him the opportunity to rise
22 up in the ranks.

23 You will also hear that he knew the right people.
24 Because after that stabbing, he got sent to the U.S.
25 penitentiary in Pollock, Louisiana. And there he was cellmates

1 with Captain Shotgun. For years he served as his right-hand
2 man. You will hear that Shotgun gave the orders. And Spooky
3 made them happen. In fact, the two were so tight, and you will
4 see this in this case, that Spooky tattooed a portrait of
5 Shotgun's face on his own arm. You see, Shotgun was in for
6 life. And he was grooming Spooky for a life of leadership on
7 the streets. Shotgun blessed Spooky. First, giving him rank
8 of sergeant and then lieutenant and ultimately crowning him
9 captain.

10 You will hear the captain is the ultimate rank of the
11 BA. That's as high as you get. No colonels, generals, just
12 five ruling captains. And you will hear what it means to be
13 captain. It means power. When he hit the streets in September
14 of 2010, he took control of the gang's operations in El Paso.
15 You are going to hear that the gang was structured. But the
16 gang separated El Paso into five sections, Central, Northeast,
17 Eastside, Lower Valley and the Westside. And each of those
18 sections had their own leader. And each leader reported to a
19 sergeant who was in charge of El Paso at that time.

20 And when Spooky took charge, who did the El Paso
21 leader report to? The captain, of course. Spooky. Who began
22 to coordinate with Juarez? Spooky. Who gave all the orders to
23 the El Paso leaders? Spooky. Who was in charge? Spooky. And
24 Spooky's why we're here today.

25 My name is Brian Skaret. And with me on the case are

1 prosecutors Joseph Cooley and George Leal. Also, at the
2 prosecution table is FBI Special Agent Samantha Mikeska and
3 paralegal Jeffrey Keogh. Two additional case agents that are
4 on this case are sitting in the front row, Jim Krieger on the
5 right and Gregory Waterson on the left.

6 It's our responsibility to present this case to you on
7 behalf of the United States of America. And when we're done,
8 you are going to have all the evidence you need to convict this
9 man of his crimes beyond a reasonable doubt.

10 The United States is prosecuting Ramon Renteria for
11 four criminal charges. And I would like to talk to you briefly
12 about those charges. Before I go any further though, I have to
13 make abundantly clear that the judge is totally in charge of
14 instructing you on the law. After you've heard all the
15 evidence in this case, she will instruct you on the law and go
16 through the crimes element by element. But I'd like to just
17 discuss a few of the things that the United States has to prove
18 in this case so you will be able to keep in mind some of those
19 things as you listen to the evidence.

20 The first crime that the defendant was charged with is
21 that he conspired with others to commit racketeering. One of
22 the things with respect to racketeering that the United States
23 must prove in this case is the existence of an enterprise.
24 That's the legal term. Enterprise.

25 An enterprise is basically an association or group of

1 individuals who work together to achieve a common goal or
2 purpose. And here we're going to prove that that enterprise
3 was actually a gang. That it was actually the Barrio Azteca
4 gang. And you're going to learn over the course of this trial
5 that the BA had structure. A structure that lasted over time.
6 And a structure that provided for individuals to step into the
7 shoes of other individuals that fall out of favor with the BA.
8 And in this way the enterprise continues year after year after
9 year.

10 You're going hear about the purpose of this
11 enterprise, that the BA's purpose was to make money by selling
12 drugs to control their territory and to dominate in prison and
13 on the street. You're also going to hear about the crimes
14 committed in the name of the Barrio Azteca. Things like drug
15 importation, drug distribution, extortion, violence, witness
16 intimidation and murder. So we have to show you that the BA is
17 an enterprise. Of course, we also have to show you how the
18 defendant is linked to that enterprise. Well, you're going to
19 hear in this case that the defendant has been a member of the
20 Barrio Azteca for many, many years. You are going to hear that
21 he wasn't afraid to engage in enterprise and business, that he
22 rose through the ranks and ultimately led the organization.

23 The second crime that the defendant is charged with,
24 is conspiracy to commit -- conspiracy to distribute heroin,
25 cocaine and marijuana in the United States. You are going to

1 hear that Barrio Azteca members and as a whole possess and sell
2 drugs, a lot of drugs. And everybody in the organization knows
3 what everybody else is doing because they're all doing the same
4 thing.

5 All over El Paso and West Texas the Barrio Azteca is
6 possessing drugs and selling drugs. And you will hear in this
7 case how the defendant knew about that, participated in it, and
8 benefited from it. That leads us to the third crime.
9 Conspiracy to import heroin into the United States.

10 You're going to hear all about how the Barrio Azteca
11 imports heroin to the United States and Mexico. You will hear
12 about the alliances that they have formed with the Juarez drug
13 cartel. You will hear how they bring the heroin into the
14 United States, how much and how they smuggle it. And you will
15 hear how this defendant knew about it, how he participated in
16 it and benefited from it.

17 Finally, the defendant is charged with conspiring with
18 others to commit money laundering. You're going to hear that
19 the Barrio Azteca makes a lot of money selling drugs. They
20 also make money through their extortion program. That is
21 charging drug dealers a certain amount of money which they call
22 a quota in order to sell on their turf. But you're also going
23 to hear what the BA does with that. They don't declare it.
24 They don't pay taxes on it. They send it to BA leaders who are
25 locked up in jail. And you're going to hear that's money

1 laundering. They're disguising the source of the money and
2 sending it on to further the criminal enterprise. And you will
3 hear how the defendant personally benefited from this program,
4 how he participated in it by taking up the BA bank when he got
5 out of jail and sent off the money to BA leaders in jail.

6 So how are we going to tell you the story about the
7 defendant and his organization? What's the evidence that we're
8 going to provide you so you can put the story together for
9 yourselves? Well, you're going to have the opportunity to see
10 many different types of evidence and hear from a wide ranging
11 group of witnesses.

12 First, the physical evidence. This is the stuff that
13 you can hold, feel. Over the years the FBI has accumulated
14 physical evidence to prove that the Barrio Azteca actually
15 exists. You're gonna see lists of rosters, detailed listings
16 of BAs in prison. Sectional rosters, like one from the west
17 side, which show who's -- who's doing their job, who's not
18 doing their job, who's in good standing and who isn't.
19 Pictures of gangsters in prison flashing their signs, on the
20 streets posing.

21 You will see things like gang treaties the gang
22 entered into with others. And you will see the copy of the
23 sacred rules that all Barrio Azteca must abide by. You will
24 see things that the BA needs in order to engage in its drug
25 trafficking. Things like phones, lots and lots of phones.

1 Scales to weigh their drugs. Drug ledgers which record their
2 drug sales, drug wrappings. You will see all of these things.
3 And you will see the drugs themselves.

4 You will also see how the Barrio Azteca hides its
5 drugs. Car tires that have been slit so drugs can be placed
6 into the tires and smuggled across the border. You'll see
7 bottles of lotion that hide heroin. Books that have heroin
8 stuffed in the backs of their bindings. You're gonna to see
9 evidence of the BA's extortion and their money laundering
10 program. Lists of who has paid the street tax. Lists of who
11 hadn't. Thousands of dollars seized. Receipts of money orders
12 sent to BA leaders in prison. And records of that extortion
13 money going straight into the commissary accounts of leaders in
14 prison, including the defendant.

15 And you will see evidence of the BA's ruthless
16 enforcement of their rules, pages and pages of hit lists.
17 These are people that have disobeyed Barrio Azteca rules and
18 are now on a list to get killed. You will be shocked at how
19 long that list is. And you will see that this just -- isn't
20 just some game. We're going to show you some of the BA's guns
21 and ammunition that were found on the street right here in El
22 Paso and on the west side in New Mexico.

23 In addition to the things that you can touch and hold,
24 we're gonna present recordings of BA leaders who are conducting
25 their business on the phone. You see the FBI got authorization

1 from the Court to listen to and to record the calls of a few
2 cell phones of BA members and leaders. Two of those phones
3 belonged to leaders in jail. One, Shotgun's phone in Pollock,
4 Louisiana. The second belonged to Hector Galindo, who is a BA
5 lieutenant in Texas.

6 You're gonna hear some of those calls from those
7 recordings. Calls relating to drug trafficking, money
8 laundering, the chain of command and punishments for
9 disobedience. Calls relating to Spooky and his role in taking
10 over all of El Paso. And you will here Spooky's voice as well.
11 You will hear him answering Shotgun's phone. You will hear him
12 order a leader in El Paso to redirect a shipment of drugs they
13 were trying to smuggle into Pollock's prison. You will here
14 Spooky make a call from prison to coordinate with the BA in
15 Juarez, Mexico.

16 So you will see the physical evidence. You will hear
17 some recordings. You are also going to hear from some law
18 enforcement agents regarding the case, including FBI Special
19 Agent Samantha Mikeska. She's going to summarize the
20 investigation of the Barrio Azteca and tell you how she and the
21 rest of the FBI obtained cell phone recordings and where the
22 physical evidence came from. You will also hear from El Paso
23 County Police Detective Andy Sanchez.

24 Detective Sanchez is a gang expert. He's been living
25 and breathing the Barrio Azteca for years. And he's going to

1 help you understand the evidence as it relates to the
2 enterprise and as it relates to the defendant. Finally, and
3 most importantly, you are going to hear all about the Barrio
4 Azteca and Spooky's leadership of the Barrio Azteca from people
5 on the inside of the organization. Because police detectives
6 and FBI special agents can only shed so much light on an
7 organization that so highly values secrecy and loyalty.

8 You're going to hear about the Barrio Azteca from
9 members and former leaders of the gang. These are the
10 insiders. They are in the best position to provide evidence of
11 exactly what's going on in a world that is so foreign to so
12 many. These are the cooperators. Men who are in prison and
13 have now decided to turn their back on the Barrio Azteca and
14 all that it stands for in order to cooperate with the United
15 States.

16 These cooperators are going to tell you the inside
17 story of the Barrio Azteca. You will hear from a former leader
18 of El Paso. Mid-level leaders. You will hear from low-level
19 BA soldiers. One of Spooky's cellmates that spent long time in
20 Pollock, Louisiana with him and with Shotgun. You will learn
21 from these men that the Barrio Azteca is an enterprise. And
22 you will learn from them that Spooky was their leader. But you
23 must remember, these particular cooperating witnesses are not
24 exactly model citizens; far from it. These are criminals.

25 They're the exact same men who entered into the same

1 conspiracies and worked in the same enterprise as the
2 defendant, Ramon Renteria. But, they're going to come into
3 this courtroom. They're going to take an oath and tell you
4 what happened. They're going to cooperate. So why would they
5 do that? Why would these men cooperate? Well, they all have
6 their individual reasons. And you will hear some of those.
7 But if we get right down to it, the majority of them want a
8 break in the sentence. For the men locked up they're hoping
9 that this is a way to get out early. They're hoping that by
10 testifying truthfully that some day a prosecutor like myself or
11 Mr. Cooley or Mr. Leal, will go before a judge and request a
12 decrease in their sentence. Some are serving just a few years.
13 Others, 20, 25 years and even life imprisonment.

14 But as you will hear, they have agreements with the
15 United States. And they understand that their only hope of
16 ever getting a reduction in sentence is by testifying
17 truthfully before you over the next couple days. Even then, a
18 reduction in their sentence is completely in the hands of a
19 federal judge.

20 Now, the judge is going to tell you that you need to
21 evaluate their testimony very carefully. They're testifying.
22 Testifying in order to benefit themselves. You will not be
23 asked to blindly accept their word for everything that
24 happened. What they say will be backed up through other pieces
25 of evidence through the testimony of other cooperators, through

1 testimony of other agents by the physical evidence and the wire
2 recordings that you are going to hear.

3 So if you wait until the end of the case, and you
4 compare their testimony to all of the other pieces of evidence
5 that come in, you will find that that they will be checked out.
6 They will be supported. They will be confirmed.

7 At the end of this trial after hearing all of the
8 witnesses and seeing all of the evidence, it will be clear to
9 you that the Barrio Azteca is a violent enterprise that uses
10 criminals act to achieve power on the streets and in prison.
11 It will be clear to you that Spooky is one of their leaders, a
12 captain, no less. And his grip on BA power is strong indeed.

13 Not afraid to prove himself, he brutally stabbed a BA
14 enemy. He stood at Shotgun's right-hand side in prison for
15 years. He received sergeant stripes, lieutenant bars and
16 ultimately crowned captain. When he hit the streets, he seized
17 the opportunity and ran with his newly granted power, which was
18 his right. And, the defendant, this man sitting right here
19 with his attorney, told the BA leadership in Juarez that he
20 approved of BA teams from Juarez coming here coming to this
21 town to commit murder in the name of the Barrio Azteca.

22 At the end of this trial, Mr. Leal and Mr. Cooley are
23 going to stand up and ask you to find that the defendant Ramon
24 Renteria is guilty. And, at that time, you will know that the
25 charges are valid. And that there's a really good reason why

1 he's here today. And that he is guilty. Thank you very much,
2 Your Honor.

3 THE COURT: All right. Government may begin with
4 their testimony.

5 MR. LEAL: The Government at this time would offer
6 into evidence Stipulation of Facts Number One, Stipulation of
7 Facts Number Two, along with the attached exhibits to those
8 stipulations. Stipulation of Facts Number Three, along with
9 the attached exhibits. Government's Exhibit Number 3D, as in
10 Dog. Government's Exhibit Number 3 as in Edward -- 3E as in
11 Edward. Stipulation of Facts Number Four, along with the
12 exhibits attached to it, as well as Government's Exhibit 4E, as
13 in Edward, 4F, 4G. Government's Exhibit 17A, 17A-1, 17A-2,
14 17A-3, Government's Exhibit 27, Government's Exhibit 28. And I
15 tender those exhibits, along with all the attachments, to
16 defense counsel, Your Honor. He's previously had a chance to
17 look at them.

18 THE COURT: All right.

19 MR. FOSTER: Your Honor, I've looked at all of these
20 previously and have copies. And there is no objection. They
21 are stipulations.

22 THE COURT: All right. So stipulated evidence,
23 Government's Exhibits Number 1, Number 2, with attached
24 exhibits, Number 3, Number 3D, 3E, Number 4, Number 4E, 4F, 4G,
25 17A, 17A-1, 17A-2, 17A-3, Exhibit 27 and 28 will all be

1 admitted with attachments.

2 MR. LEAL: Your Honor, I ask to publish Stipulation of
3 Facts Number One to the jury, Your Honor, orally.

4 THE COURT: All right.

5 MR. LEAL: So the record is clear, the Court did admit
6 the attachments for the Stipulation of Facts Number One. Is
7 that correct?

8 THE COURT: For all exhibits.

9 MR. LEAL: Okay.

10 (Stipulation read.)

11 MR. LEAL: And for record purposes, the attached
12 exhibits are Government's Exhibit A, Government's Exhibit A1,
13 Government's Exhibit A2, Government's Exhibit A-2-a,
14 Government's Exhibit A-3, Government's Exhibit Stipulation of
15 Facts Number 2. Ask to publish that orally to the jury.

16 THE COURT: All right. And as far as the attachments
17 to 1, did you wish those to be shown to the jury?

18 MR. LEAL: Not at this time.

19 THE COURT: Then stipulation Number 2.

20 (Stipulation read.)

21 MR. LEAL: B1-G, B1-H, B1-I, B1-J, B1-K, and B1-L.
22 Again, Your Honor, I don't need those photographs published at
23 the time.

24 THE COURT: All right.

25 MR. LEAL: In reference to Stipulation of facts Number

1 3. Ask to publish that to the jury, Your Honor.

2 THE COURT: All right.

3 (Stipulation read.)

4 MR. LEAL: Your Honor, for the purposes of
5 clarification, the active ingredient in the lab report is
6 actually cocaine. And that's been stipulated to.

7 Is that right, Scott?

8 MR. FOSTER: That's correct.

9 MR. LEAL: There's a typographical error in that
10 stipulation.

11 THE COURT: So noted.

12 MR. LEAL: Attached to those exhibits are Government's
13 Exhibit C, C-1, 3C-2, 3C-3, 3C-4, 3C-5. And the Government
14 would also ask to publish Stipulation of Facts Number Four and
15 publish that to the jury orally, Your Honor.

16 THE COURT: All right.

17 (Stipulation read.)

18 MR. LEAL: And attached to the Stipulation of Facts is
19 Exhibit D-1, D-2.

20 May I have just a moment, Your Honor?

21 THE COURT: Sure.

22 MR. LEAL: Thank you, Your Honor.

23 THE COURT: Government may call their first witness.

24 MR. SKARET: The United States would call FBI Special
25 Agent Samantha Mikeska. Ms. Mikeska. Special Agent Mikeska.

1 SAMANTHA MIKESKA, SWORN

2 DIRECT EXAMINATION

3 BY MR. SKARET:

4 Q. Good morning, please introduce yourself and spell your last
5 name.

6 A. Special Agent Samantha A. Mikeska. Last name
7 M-I-K-E-S-K-A.

8 Q. Where do you currently work?

9 A. I'm sorry?

10 Q. Where do you currently work?

11 A. At the FBI El Paso in El Paso, Texas.

12 Q. And how long have you been there?

13 A. For approximately 16 years.

14 Q. What do you do as a special agent?

15 A. I work gang investigations on the Safe Streets Gang Task
16 Force.

17 Q. How long have you been working gang investigations there?

18 A. 11 or 12 years.

19 Q. How long have you been in El Paso as an FBI agent?

20 A. 16 years.

21 Q. Are you familiar with an investigation leading to the
22 indictment against the defendant, Ramon Renteria, in this case?

23 A. Yes, sir, I am.

24 Q. How do you know about that indictment and the
25 investigation?

David A. Perez, RMR, RPR

1 A. I was the case agent on the investigation.

2 Q. Were there any other case agents on that investigation?

3 A. Yes, there was.

4 Q. Who were they?

5 A. Special Agent James Krieger. And also Special Agent Greg
6 Waterson in the courtroom today.

7 Q. Why the need for three case agents?

8 A. It was a diversified case. They had different districts.
9 So we all had separate roles in the investigation.

10 Q. What were the different areas involved in the case?

11 A. El Paso, Texas was one. Juarez, Mexico was the other. And
12 Las Cruces, New Mexico was the other area.

13 Q. Agent Mikeska, is this your first BA case you've done?

14 A. No, sir, it's not.

15 Q. Have you ever been involved in prior investigations?

16 A. Yes, sir, I have.

17 Q. All right. Would you describe some of those investigations
18 for us?

19 A. Back in 2001 we had a RICO investigation. I was not the
20 case agent but I assisted in the investigation and basically
21 focused on the leadership in the BAs. There was -- at the time
22 there was a problem with BA and Texas Syndicate and Mexican
23 Mafia in the prison systems. So we started a RICO
24 investigation to go after the leaders involved in that.

25 In April 2003, I was a case agent on another RICO

1 investigation. The first RICO concentrated on the BA members
2 who were already in the Bureau of Prisons and also the Texas
3 Department of Corrections. So what I wanted to do was focus on
4 the leadership here in El Paso and make a impact on the
5 community.

6 Q. Any other RICO cases?

7 A. This investigation that we have now, I'm the case agent on
8 that -- or co-case agent. We have three.

9 Q. Okay. In the 2008 RICO case that you mentioned, who was
10 convicted in that case?

11 A. It was three captains. We have a 27-defendant indictment.
12 But three of the captains were sentenced to life. Life
13 sentences.

14 Q. About that same time period, was there another captain on
15 the street named David Meraz?

16 A. Yes, there was.

17 MR. SKARET: Your Honor, I would like to show
18 Government's Exhibit 19-E.

19 THE COURT: All right.

20 Q. (By Mr. Skaret) Do you have that up?

21 A. Yes, sir, I do.

22 Q. Do you recognize 19E?

23 A. Yes, sir, I do.

24 Q. And, um, before I keep going.

25 THE COURT: Touch the screen.

1 MR. SKARET: Okay. Thanks.

2 Q. (By Mr. Skaret) So -- pardon me. Tell me, do you
3 recognize Government's Exhibit E?

4 A. Yes, I do.

5 Q. Do you recognize who that's a photo of?

6 A. Yes, I do.

7 Q. And who is it?

8 A. It's David Meraz, also known as Chicho.

9 Q. What was Chicho's rank back at the time of the 2008 case?

10 A. His rank was captain.

11 Q. Is that a fair and accurate depiction of Chicho?

12 A. Yes, sir, in his younger years.

13 MR. SKARET: Your Honor, at this time, I offer
14 Government's Exhibit 19E.

15 THE COURT: Any objections?

16 MR. FOSTER: No objections.

17 THE COURT: It will be admitted.

18 THE COURT: Would you like it shown?

19 MR. SKARET: Not at this time.

20 THE COURT: All right.

21 Q. (By Mr. Skaret) Was David Meraz a captain in the BA?

22 A. Yes.

23 Q. Was he indicted in the 2008 RICO case?

24 A. No, sir, he was not.

25 Q. Why not?

1 A. He was a pretty smart individual. We could not obtain
2 enough evidence on him, um, and he was not included in the
3 indictment.

4 Q. What was the result, um, in terms of convictions of the
5 2008 RICO case? Who was convicted in that case?

6 A. Six individuals took us to trial. And they were convicted.
7 The first one is going to be Benjamin Alvarez, also known as
8 T-top. The second one was Carlos Pereyra, also known as
9 Shotgun. A third one's gonna be Manuel Cardoza, also known as
10 Tolon. The fourth one's gonna be Said Herrera, also known as
11 Shorty. The fifth one's gonna be Eugene Mona, Gino. And the
12 sixth one was Arturo Enriquez.

13 Q. With respect to Benjamin Alvarez, what sentence did he
14 receive?

15 A. He -- a life sentence.

16 Q. And where is he currently serving his sentence?

17 A. Florence, Supermax.

18 Q. With respect to Carlos Pereyra, Shotgun, what was his
19 sentence in the case?

20 A. Life.

21 Q. And where is he currently located?

22 A. He's currently located in USP Florence.

23 Q. Has he always been at the U.S. penitentiary in Florence?

24 A. No, sir. He was originally shipped to USP Pollock.

25 Q. Where is Pollock located?

1 A. Pollock, Louisiana.

2 Q. What about Manuel Cardoza? What was his sentence in this
3 case?

4 A. Life.

5 Q. And where is he currently serving his sentence?

6 A. In the Texas Department of Corrections. At the Smith Unit
7 in La Mesa, Texas.

8 Q. And how long of a sentence is he serving under Texas law?

9 A. Fifty years for murder. And after he gets finished with
10 his state sentence, he will be sent to federal to serve his
11 federal time.

12 Q. So at the time, in the 2008 case, Captain Benjamin Alvarez,
13 Carlos Pereya and Captain Manuel Cardoza were convicted?

14 A. That is correct.

15 Q. All right.

16 MR. SKARET: If I may publish Government's Exhibit
17 19E?

18 THE COURT: You may.

19 Q. (By Mr. Skaret) This is the individual you referred to as
20 Chicho?

21 A. Yes, sir, it is.

22 Q. And he was another captain at that time, correct?

23 A. Yes, sir, he was.

24 Q. Were there any other high-ranking leaders that were
25 indicted in your 2008 RICO case, but were not convicted?

1 A. No, sir.

2 Q. Any lieutenants of the Barrio Azteca?

3 A. Yes, sir.

4 Q. Okay. Who would be?

5 A. Gustavo Gallardo, Tavo. He was a lieutenant and Gino Mona.

6 Gino, um, Miguel Angel Escajeda, Angelillo, and I believe

7 that's the lieutenants. And then the sergeant would be Said

8 Herrera, also known as Shorty.

9 Q. Was Eduardo Ravelo indicted in your 2008 RICO indictment?

10 A. Yes, sir, he was. I'm sorry he's also known as Tablas.

11 Q. And was Tablas convicted in that case?

12 A. No, he was not. He's currently an outstanding fugitive, we
13 believe, in Mexico.

14 Q. Is he a top ten most wanted?

15 A. Yes, sir.

16 MR. SKARET: Your Honor, I would like to show the
17 witness what's been marked as Government's Exhibit 15H.

18 THE COURT: You may.

19 Q. (By Mr. Skaret) All right. Do you recognize what's been
20 marked as Government's Exhibit 15H?

21 A. Yes, sir, I do.

22 Q. And what is Government's Exhibit 15H?

23 A. It's a photograph of Benjamin Alvarez, also known as T-top.

24 Q. How do you know that's him?

25 A. Through investigation and through the trial in 2008.

1 Q. Is that a good picture of how he looked back then?

2 A. Yes, sir, it is.

3 Q. Agent Mikeska, I would like to show you what's been marked
4 as Government's Exhibit 15I. Do you recognize Government's
5 Exhibit 15I?

6 A. Yes, sir, I do.

7 Q. And how do you recognize it?

8 A. It's a photograph of Manuel Cardoza, also known as Tolon.
9 And I recognize him. He was one of the defendants in the 2008
10 RICO.

11 Q. And is that a fair and accurate depiction of how he looked
12 back in 2008?

13 A. It was a younger -- this is a younger picture of him. He
14 was a little bit older back in 2008.

15 Q. Are you certain that's a picture of Manuel Cardoza?

16 A. I'm positive it's a picture of him.

17 Q. I would like to show you what's been marked as Government's
18 Exhibit 15B. Do you recognize Government's Exhibit 15B?

19 A. Yes, sir, I do.

20 Q. How do you recognize it?

21 A. It's a photograph of Carlos Pereya, also known as Shotgun.
22 He was also a defendant in the 2008 RICO.

23 Q. And is that a fair and accurate depiction of how he looked
24 back then?

25 A. Yes, sir, it is.

1 Q. With respect to this particular individual, Shotgun, did
2 you recover any letters related to his involvement in the BA
3 criminal enterprise back in the 2008 case?

4 A. Yes, I did.

5 Q. I would like to show you what's been marked as Government's
6 Exhibit 19A. Do you recognize Government's Exhibit 19A?

7 A. Yes, sir, I do.

8 Q. And is this one of the letters that you're talking about?

9 A. Yes, sir, it is.

10 Q. And where did this particular letter come from?

11 A. I had a source that was in the Otero County prison facility
12 in Chaparral, New Mexico. And the letter was given to him.
13 And it was forwarded to me.

14 Q. In what language is Government's Exhibit 19 -- 19A -- what
15 language is that letter in?

16 A. It is in Spanish.

17 Q. Did you have it transcribed?

18 A. I had it transcribed, yes, sir.

19 Q. Did you have it translated into English?

20 A. Yes, I did.

21 Q. I would like to show you Government's Exhibit 19B. Do you
22 recognize Government's Exhibit 19B?

23 A. Yes, I do. It's a transcription.

24 Q. Is that the transcription you just mentioned?

25 A. Yes, sir.

1 Q. All right. I would like to show you Government's Exhibit
2 19C. Do you recognize Government's Exhibit 19C.

3 A. Yes, I do.

4 Q. What is it?

5 A. It is the translation of the letter from Spanish to
6 English.

7 Q. Did anyone help you in decoding the letter?

8 A. Yes, they did.

9 Q. I would like to show you Government's Exhibit D, as in dog.
10 What is Government's Exhibit 19D?

11 A. It's basically the letter in Spanish. But there are words
12 that are blocked off within the letter.

13 Q. And is that a blown-up picture of the actual letter in 19A?

14 A. Yes, an excerpt.

15 Q. Why was this particular excerpt blown up?

16 A. In order to show the jury in the 2008 RICO just the code
17 words. And, basically, what the letter meant.

18 Q. I would also like to present to you Government's Exhibit
19 15A. Do you recognize Government's Exhibit A?

20 A. Yes, sir, I do.

21 Q. What is Government's Exhibit 15A?

22 A. They are the original sacred rules in Spanish and English.

23 Q. What are sacred rules?

24 A. Sacred rules are the rules that the Barrio Aztecas follow
25 once they become a member.

1 Q. How did the FBI or other law enforcement agency come in to
2 get what's been marked as 15A?

3 A. When we have cooperating witnesses or sources, um, we ask
4 them for the sacred rules and all treaties they have. And they
5 provide us with these copies of the documents.

6 Q. Okay.

7 MR. SKARET: Your Honor, at this point I offer
8 Government's Exhibit 15H, Government's Exhibit 15I, 15B, 19A,
9 19B, 19C, 19D, and 15A.

10 THE COURT: Any objections?

11 MR. FOSTER: As to 15H, I, B, no objections.

12 As to 19A, B, C and D, I believe that the defendant --
13 sorry, the witness has failed to authenticate this letter and
14 to show that it was actually from Carlos Pereya in other than
15 through a hearsay. And so it's not properly authenticated. As
16 to 15A, I have no objection.

17 THE COURT: All right. 15H, I, and 15A and 15B will
18 be admitted.

19 THE COURT: 19A, B, C and D, any response?

20 MR. SKARET: With the Court's indulgence, please? If
21 I may ask the witness a few more questions.

22 THE COURT: Sure.

23 Q. (By Mr. Skaret) With respect to the letter, Government's
24 Exhibit 19A, can you tell us again about how you acquired the
25 letter?

1 A. I acquired a letter through a source of mine at Otero
2 County prison facility.

3 Q. And did the source indicate where he received the letter
4 from?

5 A. Shotgun.

6 Q. And --

7 MR. FOSTER: I would object as to hearsay, Judge.

8 THE COURT: I'll sustain.

9 Q. (By Mr. Skaret) Um, when -- you mentioned that the source
10 decoded the letter. Um, what did he tell you about the letter?

11 A. That there was just code words in it.

12 MR. FOSTER: Object as to hearsay, Judge.

13 THE COURT: I'll sustain.

14 MR. SKARET: I will move on.

15 THE COURT: All right. So 15H, I, A and B have been
16 admitted.

17 MR. SKARET: If I may publish 15H, Your Honor.

18 THE COURT: You may.

19 Q. (By Mr. Skaret) Is this Benjamin Alvarez that you
20 mentioned?

21 A. Yes, sir, it is.

22 Q. All right.

23 MR. SKARET: May I publish 15I?

24 THE COURT: You may.

25 Q. (By Mr. Skaret) This is Manuel Cardoza?

1 A. Yes, sir, it is.

2 MR. SKARET: If I may publish 15B?

3 THE COURT: You may.

4 Q. (By Mr. Skaret) Is this Carlos Shotgun Pereya?

5 A. Yes, sir, it is.

6 Q. At the time of the 2008 case, were these three captains on
7 the street free or in jail when they were indicted?

8 A. They were incarcerated and indicted.

9 Q. Now, you've told us a little bit about the result of the
10 2008 RICO case against some of these BA leaders. When did this
11 case finish up?

12 A. In 2008, January.

13 Q. January of 2008. When did you start reinvestigating the
14 BA?

15 A. In January of 2010.

16 Q. So you took a year off?

17 A. Yes, sir, you could call it that.

18 Q. All right. Um, tell us, as part of your reinvestigation,
19 did you seek to initiate wiretaps?

20 A. Yes, sir, we did.

21 Q. Explain to the jury, please, what is a wiretap or wire
22 intercept?

23 A. It's where we, um, have enough probable cause to know that
24 these individuals are using cellular telephones or telephones
25 for criminal activities. We draft an affidavit. We submit it

1 to the United States Attorney's Office. And it was forwarded
2 to the Court for authorization.

3 Q. What was the first wire intercept that you sought to
4 achieve in your new investigation?

5 A. A cell phone being utilized by Carlos Pereya, Shotgun. He
6 was incarcerated at USP Pollock.

7 Q. Have you investigated the location of the phone?

8 A. Yes, sir.

9 Q. At the time of your application, where did you believe the
10 phone was located?

11 A. With him in his cell at USP Pollock.

12 Q. Now, as a federal prisoner at the USP in Pollock,
13 Louisiana, was he allowed to have a cell phone?

14 A. No, sir.

15 Q. Just so we're clear. This is the same Shotgun, Carlos
16 Pereyra, that you had indicted -- or sought the indictment of
17 in the 2008 RICO case?

18 A. Yes, sir, it is.

19 Q. So once you determined that the phone was located in the
20 prison, what did you do to advance your wire intercept that you
21 wanted?

22 A. Like I said, we drafted, we submitted it to the AUSA. They
23 submitted to the Court. We are granted to go up on this phone.
24 So steps were made to secure a wiretap on his phone. Um, we
25 had minimizations for language specialists. In this particular

1 wire, all the conversations were in Spanish. So we thought it
2 best to use language specialists to interpret and document the
3 calls.

4 Q. You mentioned you said that you requested authorization to
5 go up on the calls. What does going up on the call mean?

6 A. Basically, to initiate the Title III to start listening to
7 his conversations on his cellular telephone.

8 Q. You said you received an order granting that -- that
9 application. How long did the order give you to go up on the
10 call?

11 A. Just for 30 days.

12 Q. Once that 30-day period is over, what do you have to do?

13 A. Either we do not listen to the phone, shut it down, or
14 apply for a renewal.

15 Q. All right. Now, you mentioned that after you had the order
16 in hand, you mentioned the word minimization. Can you explain
17 what that means?

18 A. Yes, sir. When the language specialists or anyone who's
19 listening to the calls -- if the conversations do not include
20 criminal activities, or an element of criminal activities, we
21 do not listen to the calls. We, basically, stop listening.

22 And then, we monitor it in what we call spot-checking.

23 Periodically, we will go back into the conversations, listen to
24 it to see if they're engaging in criminal activities on the
25 phone.

1 Q. So in other words, if the language specialists hear the
2 targets on the cell phone talking about the Dallas Cowboys,
3 what do they have to do?

4 A. We stop listening. We minimize it.

5 Q. And with respect to this particular wire intercept, did the
6 language specialist apply minimization techniques that you know
7 of?

8 A. Yes, sir, they did.

9 Q. How do you know?

10 A. In the line sheets -- basically, a summary of the evidence,
11 they will document when they minimize the call and stop
12 listening.

13 Q. Is minimization difficult when you're listening to gang
14 calls?

15 A. Yes, is it.

16 Q. Why?

17 A. Because the gangs use a lot of code. So we don't know,
18 specifically, what they're talking about. So we will push the
19 envelope a little and listen. But when we find out for sure
20 they're not engaging in criminal activities on the calls, we
21 will stop listening.

22 Q. Now, in this particular case, you had authorization to
23 listen to a phone that was inside a Bureau of Prisons facility.
24 Did you notify the Bureau of Prisons that you were going up on
25 this phone?

1 A. Yes, sir, we did.

2 Q. Did you coordinate with them?

3 A. Yes, sir, we did.

4 Q. Tell us, what is a pertinent call?

5 A. Pertinent call is a call or conversation that the
6 individuals are engaging in criminal activities.

7 Q. Are the pertinent calls in a wiretap summarized?

8 A. Yes, they are.

9 Q. And how are they summarized?

10 A. They will just go through and instead of documenting every
11 word that is stated in the conversation, they will go and just
12 make a synopsis or summary of the call.

13 Q. Are those summaries in documents called line sheets?

14 A. Yes, sir, they are.

15 Q. And did you read these line sheets?

16 A. Yes, sir, I have.

17 Q. How long did you stay up on Shotgun's prison cell phone?

18 A. Till August 19, 2010.

19 Q. And do you know, approximately, how many pertinent calls
20 were made in that time period?

21 A. 152 calls.

22 Q. And after reading through the line sheets, can you give us
23 a general summary of what he was using his phone to talk about
24 during all those calls?

25 A. Yes, sir. Basically, he was using a cellular telephone to

1 issue orders and directives to another BA member who was
2 running the streets of El Paso.

3 Q. And just so we're clear, while you were up on that phone,
4 he was incarcerated in maximum or in a federal prison?

5 A. Yes, sir, he was.

6 Q. Ultimately, did you ever see the phone?

7 A. Yes, sir, I have.

8 Q. And how did you see it?

9 A. Notification was made to the Bureau of Prisons to pick up
10 the phone. So the Bureau of Prisons used their SRT team to go
11 into his cell, seize his phone, pass it on to the SIS. And
12 notification was made to the FBI in New Orleans to go down and
13 pick up the phone and FedEx it back to us.

14 Q. You mentioned SIS. What is that?

15 A. It's a, basically, a gang intelligence officer in the
16 Bureau of Prisons.

17 Q. So tell me if I get this right. You finish the wiretap on
18 the phone. You alert BOP that you're done with the wiretap.
19 They give it to their SIS. The SIS gives it to your FBI
20 contact in New Orleans. Is that correct?

21 A. That's correct.

22 Q. Did you request that your contact in New Orleans send it to
23 the FBI?

24 A. Yes, we did.

25 Q. You as the FBI?

1 A. As the FBI, yes, sir.

2 Q. Did you ever receive that phone from your contact in New
3 Orleans?

4 A. Yes, sir, we did. And booked it into our evidence.

5 Q. If I may ask you, did you -- you ultimately received the
6 phone from your contact in Louisiana, correct?

7 A. Yes, sir, our evidence technician -- it went directly to
8 them.

9 Q. How was the phone packaged at the time?

10 A. It was packaged in a Irish Spring soap box in a FedEx
11 package.

12 Q. Was the phone on the inside of the soap box?

13 A. Yes.

14 MR. SKARET: Your Honor, if I may approach the
15 witness?

16 THE COURT: You may.

17 Q. (By Mr. Skaret) Agent Mikeska, do you recognize what's
18 been marked as Government's Exhibit 9?

19 A. Yes, sir, I do.

20 Q. Is this what you received from your contact in Louisiana?

21 A. Yes, sir, it was.

22 Q. And when you received it, what did you do with it?

23 A. We booked it into evidence.

24 Q. And how do we know that the exhibit you're holding today is
25 the same exhibit that you received from your contact in

1 Louisiana?

2 A. Well, once we make contact with BOP to go get his phone,
3 they got his phone. And then the chain of custody started with
4 the individual who seized it. Passed it on to the gang
5 intelligence officer to the agent in New Orleans and forwarded
6 it on to us.

7 MR. SKARET: If I may retrieve the exhibit, Your
8 Honor?

9 THE COURT: You may.

10 MR. SKARET: Your Honor, at this time I offer
11 Government's Exhibit 9.

12 THE COURT: Any objections?

13 MR. FOSTER: May I take the witness on voir dire for
14 authentication?

15 THE COURT: Could the attorneys approach?

16 (Bench conference. Out of hearing of jury.)

17 THE COURT: Why?

18 MR. FOSTER: Because Carlos Pereya and Ramon Renteria
19 were removed from that cell the 18th. There were new people in
20 that cell on August the 19th. And that's when the search took
21 place. She hasn't testified that, specifically. I think that
22 needs to be brought up.

23 THE COURT: Well, you can do that on cross. What's
24 that got to do with authentication?

25 MR. FOSTER: If there were other people in that cell,

1 that particular cell phone may belong to those other people in
2 that cell. She hasn't authenticated this particular phone
3 through serial numbers or electronic serial numbers or anything
4 of that nature.

5 THE COURT: My understanding is that it was -- you're
6 trying to offer it for proving that's the one seized from that
7 cell. Is that correct?

8 MR. SKARET: Yes, Your Honor.

9 THE COURT: Then I will certainly allow cross on the
10 issue. But I don't see how it's not authenticated as a phone
11 seized from that cell.

12 MR. FOSTER: Very well.

13 (End of bench conference. Back in open court.)

14 THE COURT: I will deny that request. Any objection
15 then other than the request for authentication?

16 MR. FOSTER: We will withdraw our objection as to
17 authentication. There is no objection.

18 THE COURT: All right. Then Government's Exhibit 9
19 will be admitted.

20 MR. SKARET: Thank you, Your Honor.

21 THE COURT: Could the attorneys approach again for a
22 second? This doesn't have to be on the record.

23 (Attorneys approach bench. Off record discussion.)

24 THE COURT: Ladies and Gentlemen of the Jury, the
25 Court wants to take a break. It's 10:35. We're going to take

1 a break. You remain under all the instructions the Court has
2 given you. It will be ten minutes. Be available at 10:46.
3 See you then.

4 (Jury leaves courtroom.)

5 (Recess.)

6 COURTROOM DEPUTY: Court is back in session.

7 THE COURT: Ready for the jury?

8 MR. SKARET: Yes, Your Honor.

9 (Jury enters courtroom.)

10 THE COURT: You may be seated, Ladies and Gentlemen.
11 You may proceed.

12 MR. SKARET: Thank you, Your Honor.

13 Q. (By Mr. Skaret) I believe we were just talking about the
14 end of the wire intercept on Shotgun's phone in Pollock,
15 Louisiana. Is that correct?

16 A. Yes, sir.

17 Q. Did any information from that particular wire intercept
18 lead to drug seizures or assist in drug seizures by law
19 enforcement?

20 A. Yes, it did.

21 Q. And can you explain those seizures for me?

22 A. The first seizure is we intercepted a call where they had
23 lost a drug shipment. And they were talking about trying to
24 redirect or reroute that drug shipment so it would go to its
25 destination.

1 Q. Who is they? They lost it.

2 A. I'm sorry. It was Carlos Pereya and BA member Manuel
3 Lopez.

4 Q. And they mentioned on the wire they had lost a shipment?

5 A. Yes, sir.

6 Q. Okay. Please continue.

7 A. And then -- that was June 26, 2010. And then on June 28th,
8 2010, there was a call with Ramon Renteria and Manuel Lopez.
9 And, basically, Ramon Renteria was telling Manuel Lopez that it
10 wouldn't be a good idea to go and pick up the package. And,
11 basically, ordered him to redirect the package.

12 Q. Where had the package been sent to?

13 A. To Washington DC. The address was 1162 Neil Street,
14 Northeast Washington, D.C. 20002.

15 Q. And was that package ever found in Washington, D.C.?

16 A. Yes, it was.

17 Q. Tell us about how it was found.

18 A. Okay. Um, we received another call on July 21, 2010. And,
19 basically, it was between Carlos Pereya and Manuel Lopez. And
20 the call was that Pereya, Carlos, was telling Manny Lopez that
21 they had put the wrong address on the package. That they had
22 put 1662 instead of 1162. And that was on July 21.

23 We also received a call that we received the tracking
24 number on that package. And the case agent supervising that
25 wire contacted FedEx since we had the tracking number. And

1 FedEx notified us that we needed to contact law enforcement so
2 there was an Officer Martin Moncado with the Alpha Unit here in
3 El Paso, Texas. We advised him about the package. And he
4 advised us that it had already been seized in Washington, D.C.

5 Q. And who had seized the package in Washington D.C.?

6 A. Washington, D.C. Metropolitan Police. An individual named
7 Officer James Surega. And what had happened is June 22, 2010,
8 he was notified the package was on its way to Washington, D.C.
9 And Washington Police Department went and picked up the package
10 on June 23, 2010. They ran a dog on the package. He
11 positively alerted to the presence of narcotics in the package.
12 Mr.-- Officer Surega obtained a search warrant and found drugs
13 inside the package.

14 Q. You said they ran a dog on the package. What's that about?

15 A. They basically used a narcotic K-9 to sniff the package to
16 see if there was an odor of narcotics in the package. That,
17 basically, gives you probable cause to obtain the search
18 warrant.

19 Q. And when you said that the dog alerted to the package, what
20 does that mean?

21 A. Sniffed the package. It sniffed a presence of narcotics.
22 And began scratching on the package. And that is the sign for
23 that dog to alert to a package containing narcotics.

24 Q. Did the FBI in El Paso ever obtain the FedEx package sent
25 to Washington?

1 A. Yes, we did.

2 Q. How did you get the package?

3 A. Basically, I notified James Surega and advised him we had
4 an ongoing RICO investigation. And we would be interested in
5 prosecuting the individuals responsible for sending this
6 package. And when he opened the package after the dog had
7 alerted to it, he found two jars of Ponds Cold Cream. And
8 within those jars, secreted, was balloons of heroin. I believe
9 14 of them.

10 MR. SKARET: Your Honor, I would like to approach the
11 witness.

12 THE COURT: You may.

13 (Attorney approaches witness.)

14 MR. SKARET: May I give the witness a pair of
15 scissors?

16 THE COURT: Yes, you may.

17 Q. (By Mr. Skaret) Agent Mikeska, I'm handing you what's been
18 marked as Exhibit 2C. What is exhibit 2C?

19 A. Currently from the outside it's just a box. But inside the
20 box it contains two jars of Ponds Cold Cream.

21 Q. How do you know what's inside the box?

22 A. Because when we received it, I booked it into evidence.

23 Q. Would you please open Exhibit 2C?

24 A. Yes, sir. I wrapped it well. Stand by.

25 MR. SKARET: May I approach?

1 THE COURT: You may.

2 Q. (By Mr. Skaret) Okay. It looks like a tough box to open.

3 A. Yes, sir.

4 Q. All right. And what kind of a box is that that you have?

5 A. It is a FedEx box.

6 Q. What's inside of the FedEx box?

7 A. Two jars of Ponds Cold Cream.

8 Q. Okay. Have you ever looked inside of the Ponds Cold Cream?

9 A. Sir?

10 Q. Have you ever looked inside?

11 A. Yes, sir.

12 Q. What's inside?

13 A. Cold cream.

14 Q. Now, with respect to the heroin that was discovered inside
15 the Ponds Cream, was that sent off to the DEA for examination?

16 A. Yes, sir, it was.

17 Q. Were the results of that examination by Darren Gain of the
18 DEA lab?

19 A. Yes, sir.

20 MR. SKARET: Your Honor, if I may publish Government's
21 Exhibit 2B-1, which has been admitted by stipulation?

22 THE COURT: Any objection?

23 MR. FOSTER: No objection.

24 THE COURT: It may be published.

25 Q. (By Mr. Skaret) Do you recognize this?

1 A. Yes, sir, I do.

2 Q. Does this drug lab -- does this drug lab relate to the
3 heroin that was inside of the Ponds Cold Cream?

4 A. Yes, it does.

5 Q. How do you know?

6 A. By the 1B number. And the amount of the heroin that's
7 marked.

8 Q. Okay. I'd like to direct your attention to what's been
9 marked as Exhibit 2B1J1. It should be up to your left off of
10 the screen.

11 A. Sorry.

12 Q. Sorry. What does that appear to be?

13 A. Did you say 1B161?

14 Q. 1B1J1.

15 A. Okay. Exhibit.

16 Q. Yes?

17 A. Okay.

18 Q. What does that exhibit appear to be?

19 A. It is the balloons of heroin that were found inside of the
20 Ponds Cold Cream jars.

21 MR. SKARET: Your Honor, at this point I would offer
22 the package with respect to the cream bottles 2C and also the
23 heroin recovered from the Ponds Cold Cream, which is 2B1J1.

24 THE COURT: Any objections to 2C?

25 MR. FOSTER: No objections, Judge.

1 THE COURT: Any objections to 2B1J1, Mr. Foster?

2 MR. FOSTER: I'm sorry. Either one, Judge.

3 THE COURT: So 2C and 2B1J1 will be admitted.

4 MR. SKARET: It's my understanding all exhibits under
5 Exhibit 2 have been admitted into evidence. If I may, may we
6 publish 2B1A?

7 THE COURT: All right. Yes. All of them and 2B1A.

8 Q. (By Mr. Skaret) Is this the outside label of the FedEx box
9 you're holding?

10 A. Yes, sir, it is.

11 Q. Next one. What does 2B1B appear to be?

12 A. A box containing bubble wrap.

13 Q. All right. Can we go to 2B1C? Can you see it on your
14 screen?

15 A. Yes, sir.

16 Q. What does that appear to be?

17 A. It looks like two jars of Ponds Cold Cream stacked on top
18 of each other.

19 Q. All right. Exhibit 2B1F, please? Can you identify 2B1F?

20 A. Yes, sir. It looks like the same jars of Ponds Cold Cream
21 that he just pulled out of the box.

22 Q. And the red items on that picture, what are those?

23 A. They are orange balloons. And they were filled with
24 heroin.

25 Q. What kind of balloons were they?

1 A. Just small packaging balloons, just rubber balloons.

2 Q. Like party balloons?

3 A. Party balloons, yes, sir.

4 Q. And the drugs were secreted in the party balloons?

5 A. Inside the balloons, yes, sir.

6 Q. All right. You mentioned there were more than one drug
7 seizure that came off of the Carlos Pereya wire you mentioned
8 in one package going to Washington, D.C. Was there a second
9 package that you found because of or at least with respect to
10 the Carlos Pereya wire?

11 A. Yes, sir, there was.

12 Q. Tell us about that package.

13 A. Okay. In the end of July of 2010, Carlos Pereya and Manuel
14 Lopez were discussing sending drugs through the mail system.
15 And Carlos Pereya in the call was basically telling Manuel
16 Lopez exactly how to wrap the packages so it wouldn't be
17 detected by law enforcement or dogs. And, basically, telling
18 him to take the drugs and wrap it with carbon paper. Put
19 carbon paper one side and turn it inside out and wrap it again
20 and place the carbon paper with drugs in it inside a Ziploc
21 bag. And then put tape on the outside of the bag so the air
22 couldn't be -- outside the plastic bag couldn't be detected by
23 law enforcement. And he told Pereya -- Pereya told Manny Lopez
24 to then put the drugs in a priority mail package or envelope
25 and put it in another envelope and send it through the mail.

1 And he gave the address of the recipient should be Michelle
2 Smith, 3306 Buchanan, Number 102, Mt. Rainier, Maryland. I
3 believe the zip code was 20217.

4 Q. Did law enforcement ever get their hands on that package?

5 A. Yes, they did. We immediately notified the postal
6 inspector on August 2nd. It took us a while to track down the
7 package. It was August 19th before the package was found.
8 August 20th, I believe, a drug dog was run again on the
9 package, basically, checking it for the odor of narcotics. The
10 dog positively alerted on the package. And on August 24, 2010,
11 a search warrant was obtained. And inside the package were ten
12 small blue balloons packaged inside. And inside the package
13 also were newspapers from El Paso, Texas.

14 Q. So the wrapping on the inside of the package was newspaper
15 from this area?

16 A. Yes, sir.

17 Q. Okay. Did you ever physically obtain the package?

18 A. Yes, sir, we did.

19 Q. And what did you do with the drugs that you found inside
20 the package?

21 A. Once we obtained it from the police department, we booked
22 it into our evidence. And then sent it off for testing
23 purposes.

24 Q. Okay. I'd like to direct your attention to Government's
25 Exhibit 1A1 on your left -- on the screen, pardon me. Sorry.

1 A. It's up on the screen, sir.

2 THE COURT: That has been -- 2A?

3 MR. SKARET: Yes. I'm actually looking for it, Your
4 Honor.

5 THE COURT: Those have been admitted as part of the
6 exhibits?

7 MR. SKARET: Exactly. Those have been admitted
8 pursuant to the stipulation in Exhibit 1.

9 THE COURT: Did you want it displayed?

10 MR. SKARET: Yes, please.

11 THE COURT: Okay.

12 Q. (By Mr. Skaret) I believe Exhibit 1A1 is in front of you.
13 Do you recognize it? I'm sorry. On the screen, Agent Mikeska.

14 A. That's 1-B. That's not the correct exhibit.

15 MR. SKARET: My apologies. With the Court's
16 indulgence.

17 THE COURT: That's okay.

18 Q. (By Mr. Skaret) 1A2A. Is that what you have in your
19 hands?

20 A. Yes, sir, it is.

21 Q. Can you explain 1A2A?

22 A. Basically, it's a package containing the ten balloons --
23 blue balloons, of heroin seized out of the package sent to
24 Mount Rainier, Maryland.

25 Q. Okay. And did you have the contents of -- of that exhibit

1 tested?

2 A. Yes, I did.

3 Q. What was the result of that test?

4 A. It was positive for heroin.

5 Q. All right. Based on the information that you obtained
6 during Shotgun's wire recordings, did you spin off into any
7 other wire intercepts?

8 A. Yes, we did. We received the call regarding the drugs.
9 And that gave us enough probable cause to go up on Manny
10 Lopez's phone.

11 MR. SKARET: You know, before I go on, Your Honor, I
12 need to offer 1A2A1.

13 Q. Is that what you were just looking at, Agent Mikeska?

14 A. 1A2A1.

15 Q. 1A2A1, the drugs seized in that package.

16 THE COURT: Any objections?

17 MR. FOSTER: No objection.

18 THE COURT: 1A2A1 will be admitted.

19 Q. (By Mr. Skaret) Okay. Agent Mikeska, you mentioned that
20 you may have spun off from Shotgun's wire into other intercepts
21 in this investigation?

22 A. Yes, sir.

23 Q. All right. Explain what a spin-off is.

24 A. A spin-off is when we're up on a wire or capturing
25 conversations on somebody's phone. If there's another

1 individual conducting criminal activities on their cellular
2 telephone or telephone then we will have enough probable cause
3 to go up on another wire intercept and capture conversations on
4 that individual's phone.

5 Q. Did you attempt to do that after the Shotgun Pereya wire?

6 A. Yes, we did.

7 Q. Whose phone did you go up on?

8 A. Manuel Lopez.

9 Q. Did you follow all the same procedures as with respect to
10 the Shotgun wire?

11 A. Yes, sir.

12 Q. Did the Court authorize that -- your application to go up
13 on that wire?

14 A. Yes, sir, they did.

15 Q. Did the FBI apply the same minimization techniques?

16 A. Yes, sir, they did.

17 Q. How long was the FBI up on Manny Lopez's phone?

18 A. Just for 30 days on that particular cell phone.

19 Q. Was he in jail at time?

20 A. No, sir, he was on the streets.

21 Q. And how many pertinent calls did he make during that 30-day
22 period?

23 A. 230.

24 Q. Can you summarize for us, basically, what kind of business
25 Manny Lopez was conducting on that phone?

1 A. He was taking orders and directives from Carlos Pereya.
2 And, basically, implementing these orders and directives on the
3 streets of El Paso.

4 Q. And can you summarize, um, did you -- pardon me. Did you
5 spin-off from Manny Lopez's wire to any other intercepts?

6 A. Yes, we did.

7 Q. All right. And who did you spin-off onto this time?

8 A. Hector Galindo, also known as Silent. He is a lieutenant
9 for the BA criminal enterprise. He was currently incarcerated
10 in the Texas Department of Corrections, Coffield Unit.

11 Q. And did you have evidence to believe he was using a cell
12 phone?

13 A. Yes, sir, we did.

14 Q. How did you get that evidence?

15 A. Through source information and also through, um, captured
16 conversations on Manny Lopez's phone.

17 Q. What is special with respect to the BA when talking about
18 the prison in Texas at Coffield?

19 A. Coffield is, basically, the mesa for the Barrio Aztecas.
20 You have leaders of Texas Syndicate, leaders of the Texas
21 Mexican Mafia, all housed in Coffield. Mesa, the table. All
22 decisions are made out of Coffield. Blessed by the capos and
23 then handed down to the streets.

24 Q. And did you file an application to go up on Hector
25 Galindo's phone at the Coffield Unit?

1 A. Yes, sir, we did.

2 Q. Did you receive authorization to do so?

3 A. Yes, sir, we did.

4 Q. Did you use all the required minimization techniques?

5 A. Yes, sir.

6 Q. All right. And what date did the FBI team start recording
7 Hector Galindo's calls?

8 A. It was August 13, 2010 through November 24, 2010.

9 Q. As I understand, that's -- if my math is correct, that's
10 more than a 30-day period. Is that right?

11 A. Yes, sir. There were two renewals on that phone. So we
12 were up about 90 days.

13 Q. What is a renewal again?

14 A. A renewal is there is probable cause for us to continue to
15 stay up on that phone in order to capture additional criminal
16 activities for investigation.

17 Q. And during that total time that you were up on Hector
18 Galindo's phone, approximately how many pertinent calls were
19 made?

20 A. 526.

21 Q. Do you know about how much time it took Hector Galindo to
22 make those calls?

23 A. It was about four days worth of calls. So if you look at
24 it, 96 hours.

25 Q. Can you give us just a general summary of what Hector

1 Galindo was talking about during all that time?

2 A. Yes, sir, I can. Um, he was issuing orders and directives
3 to Manny Lopez since Lopez was running the streets of El Paso.
4 He was issuing orders and directives through Manny Lopez. He
5 was also asking for drugs to be sent to him in the prison
6 system. Since he was at the Coffield Unit, the mesa, it's very
7 imperative for him to know what's going on in the streets of El
8 Paso so he can keep peace also in the Coffield Unit. And if
9 there's any problems, he has the leaders of Texas Syndicate and
10 the Mexican Mafia and other gang leaders there to -- if there's
11 a problem on the streets, he can notify those leaders and try
12 to squash it at the Coffield level.

13 Q. You mentioned that that particular wire intercept on Hector
14 Galindo's phone ended November 12, 2010.

15 A. Yes, sir.

16 Q. Now, while your office was listening to Hector's phone at
17 Coffield, were there FBI agents in Las Cruces on another Title
18 III wire intercept?

19 A. Yes, sir, there was.

20 Q. All right. And, um, at about that same time from October
21 to November, had they received Court authorization to conduct a
22 wire intercept?

23 A. Yes, they did.

24 Q. And who were they up on?

25 A. Up on Jesus Espino, also known as -- just Espino. And he

1 was the leader, the Barrio Aztecas on the west side of El Paso.

2 Q. So that's wire intercepts done by your office on Shotgun
3 Pereya, Manny Lopez, Hector Galindo. And then Jesus Espino by
4 the Las Cruces office, correct?

5 A. Yes, sir, we had one more on Manuel Lopez also.

6 Q. Tell us about that wire intercept.

7 A. Okay. Also, on the second wire that we had on -- actually,
8 Galindo's wire -- I think I misspoke. We were up on Galindo's
9 wire from August 13, 2010 to November 12, 2010. I think I said
10 the 24th. But there was a fourth wire that the El Paso office
11 went up on. And it was a second phone, of Manny Lopez. And we
12 went up on that phone from November 10, 2010 through
13 November 19, 2010.

14 Q. And applying to go up on that phone did you apply for Court
15 authorization?

16 A. Yes, sir, the same procedures as before.

17 Q. Were you granted authorization to go up on that phone?

18 A. Yes, sir, we were.

19 Q. You mentioned you were on that phone only a short time.

20 A. Yes, sir.

21 Q. Why just a short time?

22 A. He dropped the phone. We executed two federal search
23 warrants. And they got wind of the federal search warrants
24 that we had executed. They thought we had telephone numbers.
25 So they dropped their phones and changed their numbers.

1 Q. Agent Mikeska, I would like to approach and hand you three
2 DVDs that are labeled as containing Government's Exhibits 20A,
3 20A-1, 20A-2, 20A-3, 20A-4, 20A-5, 20B, 20B-1, 20B-2, 20C,
4 20C-1, 20C-2, 20C-3, 20D, 20D-1, 20D-2, 20E, 20E-1, 20E-2,
5 20E-3, 20F, 20F-1, 20F-2, 20G, 20G-1, 20G-2, 20H, 20H-1 and
6 20H-2. It's on the first DVD.

7 A second DVD containing Government's Exhibits 21A,
8 21A-1, 21A-2.

9 And the third DVD containing Government's Exhibits
10 21-B, 21-B1, 21-B2, 22-A, 22-A1, and 22-A2.

11 May I approach, Your Honor?

12 THE COURT: You may.

13 Q. (By Mr. Skaret) Do you recognize those exhibits?

14 A. Yes, sir, I do.

15 Q. How do you recognize them?

16 A. By the CD. We've been through these. And just by the
17 exhibits.

18 Q. All right. And what's on those particular three CDs?

19 A. Excerpts of calls between BA members and Carlos Pereya.
20 Excerpts of calls between BA members and Manuel Lopez. And
21 excerpts of calls between Hector Galindo and other BA members.

22 Q. If you could, please be specific. And, um, please tell us
23 where are all of the Exhibit 20s from? You will see 20A.
24 Everything that starts with 20 on exhibit, which wire did those
25 come from?

1 A. It's gonna be coming off of Hector Galindo's calls.

2 Q. All right. What about 21A-1 and A2, which wire?

3 A. Carlos Pereya's wire.

4 Q. And Exhibit 21-B, B1, B2, and 22-A, 22-A1 and 21-A2, where
5 did those come from?

6 A. They came from the Manuel Lopez wire.

7 Q. Now, are these calls an exact digital copy of the calls
8 recorded by the FBI during the actual intercepts?

9 A. Yes, sir.

10 Q. All right. How can you be certain of that?

11 A. I was with Manuel Lopez when we went over each of these
12 calls.

13 Q. And when was the last time that you listened to the calls
14 that are actually on those disks?

15 A. Last night.

16 Q. In these recordings, what language is being spoken for the
17 most part?

18 A. For the most part Spanish. That's why we had the language
19 specialist.

20 Q. You mentioned earlier that a BA speaks in a lot of code.

21 A. Yes, sir.

22 Q. Did the language translators at the FBI understand all the
23 codes in these wire intercepts?

24 A. No, sir, they did not. That's why we had Manuel Lopez go
25 over the calls so he could document code words that were

1 utilized during the conversations.

2 Q. Explain that to us. Who is Manny Lopez?

3 A. Manny Lopez is a BA member. He was running the streets of
4 El Paso prior to the point where he opted to cooperate with the
5 Government.

6 Q. All right. Is he currently a cooperator in this case?

7 A. Yes, sir, he is.

8 Q. In fact, Manny Lopez is one of the individuals whose phone
9 you were up on. Is that right?

10 A. Yes, sir.

11 Q. How much time would you say you went through these calls
12 with Manny Lopez?

13 A. It was over -- as far as hours, I do not know. But it was
14 over a three-week period, I believe.

15 Q. And did Mr. Lopez make any corrections to the transcripts?

16 A. Yes, he did.

17 Q. Did he make corrections to the translations of those
18 transcripts?

19 A. Yes, he did.

20 Q. What did you do with those corrections that you made?

21 A. We took them back to the language specialist. And the
22 language specialist made corrections to the documents. And we
23 made finalized copies.

24 Q. The transcripts on those disks that refer to each call, are
25 those the final transcripts?

1 A. Yes, sir.

2 Q. Now, you mentioned that you were with Manny Lopez when he
3 was going through and checking these transcripts. Were you
4 listening to the calls with him as well?

5 A. I was listening. But I do not speak Spanish. So I would
6 try to follow through the transcriptions. And then he would
7 look at the transcriptions and then translate it into English.
8 And I would read the English portion.

9 Q. And did he identify the speakers on the calls?

10 A. Yes, he did.

11 Q. And did he identify his own voice on some of those calls?

12 A. Yes, he did.

13 Q. And after spending all that time with him, can you also
14 identify his voice on the calls?

15 A. Yes, I can.

16 Q. Are you confident where the transcripts indicate that Manny
17 Lopez is speaking it really is Manny Lopez?

18 A. Yes, I am.

19 MR. SKARET: Your Honor, may I retrieve the exhibits?

20 THE COURT: You may.

21 MR. SKARET: I offer 21A, 21A-1, 21A-2, 20A, 20A-1,
22 20A-2, 20A-3, 20A-4, 20A-5, 20B, 20B-1, 20B-2, 20C, 20C-1,
23 20C-2, 20C-3, 20D, 20D-1, 20D-2, 20E, 20E-1, 20E-2, 20E-3, 20F,
24 20F-1, 20F-2, 20G, 20G-1, 20G-2, 20H, 20H-1, 20H-2, almost
25 there. And 21-B, 21B-1, 21B-2, 22A, 22A-1 and 22A-2.

1 THE COURT: Any objections?

2 MR. FOSTER: No objections, Judge.

3 THE COURT: All right. Then 20A, 20A-1, -2, -3,
4 20A-4, 20A-5, 20B, 20B-1, 20B-2, 20C, 20C-1, 20C-2, 20C-3, 20D,
5 20D-1, 20D-2, 20E, 20E-1, 20E-2, 20F, 20F-1, 20F-2, 20G, 20G-1,
6 20G-2, 20H, 20H-1, 20H-2, 21A, 21A-1, 21A-2, 21-B, 21B-1,
7 21B-2, 22A, 22A-1, and 22A-2 will be admitted.

8 MR. SKARET: Thank you, Your Honor.

9 THE COURT: You're welcome.

10 Q. (By Mr. Skaret) Agent Mikeska, I've handed you had 23A,
11 -A1, and 23A-2. Are you familiar with these particular
12 exhibits?

13 A. Yes, sir, I am.

14 Q. What are they?

15 A. They're a telephone call with Ramon Renteria and an unknown
16 or unidentified male that he made from the prison system to a
17 number outside the prison.

18 Q. Which prison system?

19 A. Pollock, Louisiana.

20 Q. And what kind of a call is this?

21 A. It's --

22 Q. Let me rephrase. Is this part of your wire intercepts that
23 you did in this particular case?

24 A. No, sir, it's not.

25 Q. How did you get this call?

1 A. We requested it from the Bureau of Prisons.

2 Q. How did the Bureau of Prisons get it?

3 A. They capture all calls made from their prison systems
4 outside.

5 Q. Do they have a practice of recording all the calls that go
6 out from their prison?

7 A. Yes, sir, they do.

8 Q. Have you listened to Government's Exhibit 23A?

9 A. Yes, sir, I have listened to it. But it is in Spanish.
10 And I had the cooperator sit down with me.

11 Q. All right. And 23A-1. Is that the transcript and
12 translation of 23A?

13 A. Yes, sir.

14 Q. And is 23A-2, a synchronized copy of the translation with
15 the recording?

16 A. Yes, sir.

17 Q. When you listened to it, did there appear to be any
18 evidence the call was tampered with?

19 A. No, sir.

20 Q. Did you have it transcribed and translated?

21 A. Yes, sir.

22 Q. Because you went through this with Manny Lopez, are you
23 confident that the translation and transcription are correct?

24 A. Yes, sir, I am.

25 MR. SKARET: Your Honor, I offer the recorded call,

1 the transcript of the call synchronized version being Exhibits
2 23A, 23A-1, and 23A-2.

3 THE COURT: Any objections?

4 MR. FOSTER: No objections, judge.

5 THE COURT: 23A, 23A-1, 23A-2 will be admitted. Can I
6 ask a point of clarification. I show there's 22A-1 and 22A-2.
7 Have you requested they be admitted? The transcript of a
8 recording and fully synchronized.

9 MR. SKARET: What was it again?

10 THE COURT: 22A-1 and 22A-2. I just want to make
11 sure.

12 MR. SKARET: Yes, Your Honor.

13 THE COURT: For the record, to make sure, any
14 objections to those, Mr. Foster?

15 MR. FOSTER: No objections, Judge.

16 THE COURT: So 22A-1 and 22A-2 will be admitted. You
17 may proceed.

18 Q. (By Mr. Skaret) You mentioned in Las Cruces an individual
19 went up on wire named Jesus Espino?

20 A. Yes, sir.

21 Q. Based on that wire, were agents in Las Cruces able to, um,
22 make any drug trafficking seizures?

23 A. Yes, they were.

24 Q. And can you tell us about those events?

25 A. Okay. I believe it was on November 9th they received a

1 call off the wire from Jesus Espino, telling another BA member
2 by the name of Juan Amaro, also known as Porky, to go down and
3 pick up something from Peewee. And then the agents in Las
4 Cruces sent their surveillance team down to set up at Peewee's
5 house. Peewee is another Barrio Azteca in El Paso, Texas named
6 Omar Lopez. They set up on his house. And a short time later
7 Juan Amaro and another BA member identified as Lucero showed up
8 at the house. They greet Omar Lopez, Peewee, outside. Um,
9 they believed the exchange is made. Porky, Amaro, and Sonny
10 Lucero get back in the truck. A traffic stop is conducted on
11 the vehicle by El Paso Police Department. Juan Amaro is
12 subsequently detained and taken into the police department.
13 Um, and at the police department, they found approximately 1
14 ounce 26.5 grams of heroin on his person.

15 Q. Could you sort through those exhibits, Agent Mikeska, and
16 find 1A-3A, Government's Exhibit?

17 A. The drugs related to the seizure is 1A-3B.

18 Q. 1A-3B. I'm all mixed up. All right. Do you recognize
19 what's been marked as Government's Exhibit 1A-3B?

20 A. Yes, sir, I do.

21 Q. What are those?

22 A. It's a packet containing heroin. It was the drugs that
23 were seized by the El Paso Police Department from Juan Amaro
24 also known as Porky.

25 Q. And did you send those drugs off for testing?

1 A. I believe Albuquerque sent the drugs off for testing.

2 Q. And did the DEA come back with any findings to what those
3 drugs were?

4 A. I believe it was positive for heroin.

5 MR. SKARET: Your Honor, at this point I offer the
6 drugs identified as 1AB -- 1A-3B.

7 THE COURT: Any objections?

8 MR. FOSTER: No objections, Judge.

9 THE COURT: 1A-3B will be admitted.

10 Q. (By Mr. Skaret) Now, in addition to the wire recordings
11 that were done by the FBI, um, did the FBI do any search
12 warrants in the case?

13 A. Yes, sir, we did.

14 Q. All right. Can you tell us about the search warrants that
15 took place on November 1, 2010?

16 A. Yes, sir, I can. The first search warrant was on Jose
17 Sanchez or Jorge Sanchez, Jorge Diaz also known as Payaso. He
18 is a BA member. And he was what they call the bank for BAs.
19 So, basically, all monies collected from quota were turned in
20 to him and he maintained the funds. Then the second wire was
21 on a female named Yolanda Barba.

22 Q. The second search warrant?

23 A. I'm sorry. Search warrant. My apologies. The second
24 search warrant was on Yolanda Barba Chavira. And she was in
25 direct contact with Hector Galindo on the wiretap.

1 MR. SKARET: Your Honor, may I approach?

2 THE COURT: You may.

3 Q. (By Mr. Skaret) I'm showing you what's been marked as
4 Government's Exhibits 8A through 8Q. Do you recognize these
5 exhibits?

6 A. Yes, sir, I do.

7 Q. How do you recognize them?

8 A. I pulled them out of the evidence bags and placed them in
9 the exhibits. And then marked the exhibits with Yolanda
10 Chavira's search.

11 Q. And were these exhibits among the items that were seized at
12 Yolanda Barba Chavira's house November 12?

13 A. Yes, sir.

14 MR. SKARET: I Offer 8A through Q.

15 THE COURT: Any objections?

16 MR. FOSTER: No objections.

17 THE COURT: 8A through 8Q will be admitted.

18 Q. (By Mr. Skaret) Now, with respect to what was recovered
19 from Yolanda Barba Chavira's house, were any money orders
20 recovered?

21 A. Yes, there were.

22 Q. I would like to ask you, what is a money order?

23 A. A money order is what we see when the money is funneled to
24 the Texas Department of Corrections. They will go out and get
25 a money order and maintain the receipt for reconciliation

1 purposes, I guess. But they use these money orders to take
2 monies collected from quota --

3 MR. FOSTER: Judge, I'm sorry. I'm going to have to
4 object. This is nonresponsive. She was asked what a money
5 order was. She's going on describing procedures and processes
6 for using a money order.

7 THE COURT: I'll sustain. Listen to the question and
8 answer the question specifically.

9 A. They are subsequent documents to send monies through the
10 mail system.

11 Q. (By Mr. Skaret) I would like to direct your attention,
12 please, to Government's Exhibit 8F. This should pop up on your
13 screen, Agent Mikeska.

14 A. Okay.

15 MR. SKARET: May we publish to the jury?

16 THE COURT: You may.

17 Q. (By Mr. Skaret) Do you recognize 8F?

18 A. Yes, I do.

19 Q. And is this a money order that you were just talking about?

20 A. It is a wire transfer.

21 Q. A wire transfer?

22 A. Yes, sir.

23 Q. What's the difference between a money order and wire
24 transfer?

25 A. A money order comes in a document. And a wire transfer is

1 a document where monies are wired through wire services.

2 Q. So Government's Exhibit 8F is a Western Union wire
3 transfer?

4 A. That is correct.

5 Q. Can you take us through this document? Do you recognize
6 names? Can you explain where the document's going and for how
7 much the wire order is for?

8 A. Yes, sir. Um, the money is going to Miguel Angel Escajeda.
9 You have the register number or inmate number off to the side
10 of the name. And Miguel Angel Escajeda is a lieutenant within
11 the BA criminal enterprise. He was one of the defendants in
12 the 2008 RICO case. It is for \$150. Lieutenants in the Barrio
13 Aztecas per month typically receive \$150.

14 Q. I would like to show you what's been marked as Government's
15 Exhibit 8K. I may publish that. This appears to be a similar
16 document from Western Union. Does it not?

17 A. Yes, sir, it is.

18 Q. And who is this wire transfer made out to?

19 A. It's Said Francisco Herrera. And you have the register
20 number, inmate number off to the right side of the name. The
21 amount is for \$100. He is a sergeant within the BA criminal
22 enterprise. And he was one of the defendants in the 2008 RICO
23 investigation.

24 Q. I would like to show you what's been marked as Government's
25 Exhibit 8M. Was this another item seized from Yolanda Barba

1 Chavira's residence?

2 A. Yes, sir, it was.

3 Q. And can you tell us who the -- who the letter appears to be
4 made out to and whose the return address?

5 A. The letter is made out to Yolanda Chavira, 7702 Parral, El
6 Paso, Texas. That is the female that we conducted the search
7 warrant on November 12, 2010. And the letter is from Hector
8 Galindo. If you look in the upper right-hand corner for office
9 name he has his inmate number. He is located in Coffield Unit,
10 which is in the Texas Department of Corrections. And the
11 address for Coffield Unit is 2661 FM, Farm Market Road, 2054
12 Tennessee Colony, Texas 75884.

13 Q. Is this the same Hector Galindo that had the phone that the
14 FBI was up on for a while?

15 A. Yes, sir, I believe it is.

16 Q. And was Hector Galindo charged in this particular case?

17 A. Yes, he was.

18 Q. And what was Yolanda Chavira charged in this particular
19 case?

20 A. Yes, she was.

21 Q. All right. You also mentioned that on November 12th there
22 was another search. You mentioned a guy's name, Payaso, or
23 Jorge Diaz. Correct?

24 A. Jorge Diaz, yes, sir.

25 MR. SKARET: Your Honor, I did not request to approach

1 the witness. May I for the next 30 minutes do so? All right.

2 Q. (By Mr. Skaret) I'm showing you what's been marked as
3 Government's Exhibit 13A through 13W. Do you recognize those
4 exhibits?

5 A. Yes, sir, I do.

6 Q. All right. And what are those exhibits?

7 A. They're items that were seized out of Jorge Diaz's
8 residence.

9 Q. And this was at the search on November 12, 2010?

10 A. Yes, sir.

11 Q. How do you know those are the same exhibits?

12 A. I pulled them out of the evidence bags and placed them in
13 this exhibit bag and labeled it Exhibit 13 and marked it as
14 Jorge Diaz's search.

15 MR. SKARET: Your Honor, at this time I offer
16 Government's Exhibit 13A through W.

17 THE COURT: Any objections?

18 MR. FOSTER: No objections.

19 THE COURT: 13A through W will be admitted.

20 Q. (By Mr. Skaret) Now, you mentioned that the seizure took
21 place on November 12, 2010. Can you tell us about some more of
22 the details about what happened on the day of the seizure?

23 A. Yes, sir. We -- we went to the house approximately 0600
24 hours.

25 Q. 6:00 in the morning?

1 A. 6:00 in the morning.

2 Q. Okay.

3 A. We made contact with Jorge Diaz. He had an outstanding
4 immigration warrant. So he was placed in custody. His wife
5 Monica Diaz, came to the door. We explained to her that we had
6 a search warrant. She let us in the house. We searched the
7 house, um. Since he was a bank, we were looking for documents
8 pertaining to him keeping a tally on a quota being collected in
9 El Paso, Texas. But we did not find these documents or a large
10 sum of money at his house at the time.

11 Q. And did the FBI leave the house?

12 A. Yes, we did.

13 Q. Did the FBI ever go back to the house?

14 A. Yes, we did. Um, like I mentioned previously, we were up
15 on another wire on Manny Lopez's phone. Monica Diaz,
16 subsequently, after we left, called Manny Lopez and advised
17 that the FBI had just been at the house and they had arrested
18 Jorge Diaz and they didn't find what they were looking for and
19 that she also advised Manny that -- not to come back to the
20 house and told her -- she told him that she didn't want any BA
21 members coming over to her house anymore.

22 Q. What did the FBI do when they heard that call on Manny's
23 wire?

24 A. The individuals sitting on the wire notified us. So we
25 went back to the house since we had already executed the search

1 warrant. We asked for consent to search the house and the
2 vehicle. She gave us consent. And we found a bag of money
3 with the quota sheets and the quota envelopes.

4 Q. How much money was found at the residence?

5 A. Approximately \$20,000.

6 MR. SKARET: Your Honor, um, I would ask that we
7 publish Government's Exhibit 13B.

8 THE COURT: It may be.

9 Q. (By Mr. Skaret) Do you recognize 13B?

10 A. Yes, I do.

11 Q. Do you recognize any -- tell us, first of all, what is it?

12 A. It is a photograph of individuals.

13 Q. Do you recognize any of those individuals?

14 A. Yes, I do.

15 Q. Who do you recognize?

16 A. Jorge Diaz, Payaso, and another BA member, who at one time
17 was running the streets of El Paso, Ramon Cano.

18 Q. Can you point out which of these men was or is Jorge Diaz?

19 A. Yes. The individual in the, um -- I put a mark on it. The
20 individual in the Washington Redskins jersey in the middle is
21 going to be Jorge Diaz. And the individual off to his -- to
22 his left this individual here is going to be Ramon Cano.

23 Q. Was Jorge Diaz charged in the case?

24 A. Yes, he was.

25 Q. I would like to publish, Your Honor, Government's Exhibit

1 13V.

2 THE COURT: V as in.

3 MR. SKARET: Victor.

4 THE COURT: You may. This is.

5 MR. SKARET: This is a multipage document.

6 Q. (By Mr. Skaret) Let's see, this may better if we have you
7 look at the actual exhibit and do some explaining, agent.

8 Can you pull us what's been marked as 13V?

9 A. V as in Victor, correct?

10 Q. As in Victor. What is Government's Exhibit 13V?

11 A. They are wire transfer documentation, wire grams,
12 basically.

13 Q. Now, how many are there in all of 13V. Could you say there
14 are numerous wire transfers?

15 A. I would say there's eight to ten.

16 Q. Let's take a look at the first four that you've looked at.
17 Can you take us through a few of those and explain what they
18 are and how they relate to the case?

19 A. Yes. It's a money wire transfer, Western Union money gram.
20 The money is to Carlos Delgado Pereya, again his inmate number
21 is off to the right-hand side of the names for \$100. It is
22 9-8-2010. And I traced this amount of money to the documents
23 for Carlos Pereya that he received these -- this -- these
24 monies.

25 Q. Um, can you take a look at the second one, please? Please

1 explain it for us.

2 A. It is another Western Union money gram. It is to Benjamin
3 Alvarez, inmate number stated off to the right-hand side of the
4 name is for \$100. It's dated 9-29-2010.

5 Q. If you would please take a look at the exhibit that we
6 published on the screen. Can you explain what that tells us.
7 Again, this is part of 13V, correct?

8 A. Yes. It is a Western Union money gram to -- to -- it looks
9 like Manuel Cardoza.

10 Q. And you mentioned Manuel Cardoza was one of the defendants
11 in the 2008 RICO case?

12 A. Yes, sir.

13 Q. All right. And in what amount is that particular wire
14 receipt for?

15 A. It is for \$200.

16 Q. I'd like to show you what's been marked as Government's
17 Exhibit 27. What is Government's Exhibit 27?

18 A. It is source documents of the commissary monies going into
19 Ramon Renteria's account while he was incarcerated. And source
20 documents of monies going into Carlos Pereya's commissary
21 account when he was incarcerated.

22 Q. And is there an affidavit attached to Government's Exhibit
23 27?

24 A. Yes, sir, self-proving affidavit.

25 Q. Does it state that that is an affidavit that these records

1 were kept in the ordinary course of business?

2 A. Yes, sir.

3 MR. SKARET: Your Honor, we would offer Government's
4 Exhibit 27.

5 THE COURT: Any objections?

6 MR. FOSTER: No objections, Judge.

7 THE COURT: I show 27 and 28.

8 MR. SKARET: It's already in.

9 THE COURT: But 27 will be admitted.

10 THE COURT: That's fine.

11 Q. (By Mr. Skaret) Now, with respect to Government's Exhibit
12 27, you mentioned there are records of monies going into the
13 commissary accounts of Ramon Renteria and Shotgun Pereya?

14 A. Yes, sir.

15 Q. Have you reviewed those?

16 A. Yes, sir, I have.

17 Q. And what can you tell us about the monies going into
18 Shotgun Pereya's account based on your review of Government's
19 Exhibit 27?

20 MR. FOSTER: Carlos Pereya?

21 MR. SKARET: Carlos Pereya.

22 A. They're in the denominations of \$100, \$200, um, some in
23 \$300.

24 Q. Does it say where those denominations are going?

25 A. They're going to Carlos Pereya's account.

1 Q. And do they show where the monies come from?

2 A. Yes, they do. They give a name and address, city and zip
3 code and phone number.

4 Q. Does it also show the frequency with which those -- those
5 entries into the commissary accounts are made?

6 A. Yes, they do.

7 Q. All right. And with respect to Government's Exhibit 27,
8 that refers to Ramon Renteria. Are there similar records?

9 A. Yes, sir, there are.

10 Q. And are there amounts that are going -- that show are going
11 into his commissary account?

12 A. Yes, sir, there are.

13 Q. And were you able to make any connection to the amounts
14 going into Ramon Renteria's accounts and the amounts going into
15 Carlos Pereya's accounts?

16 A. Yes, sir.

17 Q. Can you explain those?

18 A. Yes, sir. One of the money orders that we seized from
19 Jorge Diaz's house was traced back to Carlos Pereya's account.
20 And that was on 9-8-2010 in the amount of \$100. And the
21 individual that sent that money in was Jose Perez. He's used
22 the address of 3518 Idalia, El Paso, Texas. Telephone number
23 915-562-2891. It appears 7-28-2010 Jose Perez also sent \$200
24 to Ramon Renteria. But this time Jose Perez used the address
25 of 3814 Mobile, El Paso, Texas.

1 Q. So, basically, we have the same individual with different
2 addresses sending money to Ramon Renteria and Carlos Pereya.

3 A. That is correct.

4 Q. Moving on. I wanted to talk to you about Jesus Espino.
5 You testified that Jesus Espino was a leader on the west side.
6 Um, after the FBI had completed its search warrants at Payaso's
7 house, Jorge Diaz and Yolanda Barba Chavira's house, did the
8 Las Cruces division execute a search warrant at Jesus Espino's
9 house?

10 A. Yes, sir, they did.

11 Q. All right. Was that pursuant to a search warrant?

12 A. Yes, sir.

13 Q. I'd like to hand you what's been marked, um -- there's a
14 number of exhibits 10A through 10K. Do you recognize these
15 exhibits, Agent Mikeska?

16 A. Yes, sir, I do.

17 Q. And are these exhibits among the items that the FBI seized
18 on November 23, 2010, at Jesus Espino's house?

19 A. Yes, they are.

20 Q. And how do you know that?

21 A. I pulled them from the evidence bags and placed them into
22 this Exhibit 10 bag.

23 Q. Okay. Can you briefly describe Government's Exhibits 10A
24 through 10K?

25 A. There is a document, a photograph of Barrio Azteca members.

1 It looks like it's been taken in the prison. There's a
2 newspaper regarding Barrio Azteca.

3 Q. Just the headline, please, if you would?

4 A. It's in Spanish. I will do the best I can. Azteca Ante El
5 Juez. It's El Diario.

6 Q. Are there a number of newspaper articles?

7 A. Yes, sir, there's one, two, three, four articles that are
8 all related to Barrio Azteca.

9 Q. All right. What else do you find?

10 A. There are two magazines for the weapon we found in his
11 house.

12 Q. There's some letters addressed to Jesus Espino. Some
13 documents with telephone numbers of Espino and Peewee. There's
14 a bible. It's got inside the bible, it's got telephone numbers
15 of individuals, Manny Cardoza, capo of Barrio Azteca criminal
16 enterprise is on the back page TDC number. There's ammo
17 located in the magazines. And an ID card of Jesus Espino
18 and --

19 MR. SKARET: Your Honor, before she goes into this any
20 further, if I may offer Government's Exhibit 10A through 10M
21 and also 100.

22 THE COURT: All right. So not N.

23 MR. SKARET: Everything except for N.

24 THE COURT: Any objections to 10A through M and 100?

25 MR. FOSTER: No objections, Your Honor. We have

1 previously seen these exhibits.

2 THE COURT: All right. So 10A through 10M and 10O
3 will be admitted.

4 Q. (By Mr. Skaret) I would like to show you 10N. And I note
5 that the marshals have reviewed the contents of 10N and it is
6 safe.

7 THE COURT: All right.

8 A. Also, that was in Jesus Espino's house, is a document.
9 It's a 302; it's our testimonial document that the FBI uses.
10 And it's a --

11 MR. FOSTER: Judge, I'm going to object. This is
12 totally nonresponsive.

13 THE COURT: All right. I'll sustain.

14 Q. (By Mr. Skaret) If you would please, take a look at 10N.

15 A. Okay.

16 Q. And what is Government's Exhibit 10N?

17 A. 10N is a Ruger pistol, it appears.

18 Q. Where was this particular exhibit recovered from?

19 A. Espino's residence.

20 Q. All right. And, um, how do you know it's the same pistol
21 that was recovered from that particular residence?

22 A. I was at the residence when it was seized.

23 MR. SKARET: We would offer 10N and request to
24 publish.

25 THE COURT: Any objections?

1 MR. FOSTER: No objections, judge.

2 THE COURT: 10N will be admitted and you may publish.

3 Q. (By Mr. Skaret) Agent Mikeska, would you show the jury the
4 contents of 10N?

5 A. Hold it up?

6 Q. Yes, please. You mentioned also that with respect to what
7 was found at Jesus Espino's search that there were some
8 magazines found. Would you please take a look at 10L.

9 A. Okay.

10 Q. Do those appear to be magazines for a pistol?

11 A. Yes, sir.

12 Q. How many of them?

13 A. Two.

14 Q. All right. If you would, please, look at 10M like Mary.

15 A. Okay.

16 Q. What do those appear to be?

17 A. Ammunition.

18 Q. I would also direct your attention to exhibit 10A.

19 MR. SKARET: May we publish?

20 THE COURT: Yes, you may.

21 Q. (By Mr. Skaret) All right. Taking a look at 10A, can you
22 describe for us what is 10A?

23 A. 10A looks like the second page of an FBI document.

24 Q. All right. And what kind of an FBI document is this?

25 A. FD302.

1 Q. All right. And what is an FD302 used for in your agency?

2 A. It's our testimonial documentation.

3 Q. Okay. And is it a report of an interview?

4 A. Yes, it is.

5 Q. And is that what 302s always are?

6 A. Yes, sir.

7 Q. And, this was recovered at Jesus Espino's residence as
8 well.

9 A. Yes, sir.

10 Q. All right. Do you know, did anyone in your organization
11 give Jesus Espino permission to have this document?

12 A. No, sir.

13 Q. Do you hand these out on a regular basis?

14 A. No, sir.

15 Q. Do you ever hand them out to non-law enforcement officials?

16 A. No, sir.

17 Q. Moving on. I would like to show you what's been marked --

18 THE COURT: Could the attorneys approach?

19 MR. SKARET: Yes.

20 (Attorneys approach bench. Off record discussion.)

21 THE COURT: Back on the record. We're going to take a
22 break for lunch. Remember, you remain under the instructions
23 the Court has given you. See you back at 1:05.

24 (Jury leaves courtroom.)

25 THE COURT: You may be seated. Anything we need to

1 take up?

2 MR. SKARET: I don't believe so, Your Honor.

3 THE COURT: Stand in recess.

4 (Recess for lunch.)

5 (Back on the record.)

6 COURTROOM DEPUTY: Court is back in session.

7 THE COURT: You may be seated. Anything we need to
8 take up?

9 MR. FOSTER: We're ready to go, Judge.

10 MR. SKARET: We're ready.

11 (Jury enters courtroom.)

12 THE COURT: You may be seated, Ladies and Gentlemen.
13 Whenever you're ready.

14 MR. SKARET: Thank you, Your Honor.

15 Q. (By Mr. Skaret) Agent Mikeska, during your 2008 RICO
16 investigation of the Barrio Azteca, were you involved in a
17 seizure of, approximately, a hundred kilograms of cocaine?

18 A. Yes, sir.

19 Q. Can you please tell us about that seizure?

20 A. It was about a Barrio Azteca member that set up the drug
21 deal with some individuals out of Detroit. The BA member got
22 the drugs from Eduardo Ravelo, also known as Tablas, and Luz
23 Mendez. And the Barrio Azteca member had the drugs concealed
24 in a duffle bag and some tires. The drugs were subsequently
25 taken to a Whataburger in El Paso, Texas. They were picked up

1 and transported to Detroit, Michigan. It was a controlled
2 delivery. And the drugs were taken down in Detroit.

3 MR. SKARET: Your Honor, I would like to reference
4 Government's Exhibit 3, the stipulation of facts. If I may
5 publish 3C-1.

6 THE COURT: You may.

7 Q. (By Mr. Skaret) Agent Mikeska, do you recognize 3C-1?

8 A. Yes, sir.

9 Q. Does this appear to be the DEA drug lab on that approximate
10 hundred kilograms of drugs that was seized?

11 A. Yes, sir.

12 Q. All right. And does this lab indicate that the hundred
13 kilograms was indeed cocaine?

14 A. Yes, sir.

15 Q. I'd like to show you what's been marked as 3C-2. Do you
16 recognize 3C-2?

17 A. Yes, sir.

18 Q. What is 3C-2?

19 A. A number of boxes.

20 Q. Are you familiar with what's inside of those boxes?

21 A. The cocaine.

22 Q. I would like to direct your attention to 3C-3. Does that
23 look like one of those boxes as well just a close-up view?

24 A. Yes, sir.

25 Q. And does the lab number on that box match the lab number on

1 the DEA lab?

2 A. Yes, sir.

3 Q. I would like to direct your attention to Government's
4 Exhibit 3C-4. Tell us what we're looking at, 3C-4?

5 A. It's a pallet of bundles containing cocaine.

6 Q. And the bundles are all the black packages?

7 A. That is correct.

8 Q. Can you zoom in on that just a little more? In those black
9 bundles, is that the original packaging?

10 A. Yes, sir.

11 Q. As they were seized?

12 A. As they were seized, yes, sir.

13 Q. I would like to show you what's been marked as Government's
14 Exhibit 3C-5. Can you tell us what 3C-5 is?

15 A. It's a photograph of, looks like a horse or lion, stamped
16 on, like a kilogram of cocaine.

17 MR. SKARET: Your Honor, may we publish 3C-5?

18 MR. FOSTER: No objections.

19 THE COURT: All right. It may be published.

20 Q. (By Mr. Skaret) Again, what is it we're looking at here?

21 A. It looks like either a horse or lion, an animal, stamped on
22 the cocaine.

23 Q. Was that horse or that animal stamped on all the different
24 packages of cocaine?

25 A. To my understanding what was open, yes. I did not

1 personally see the cocaine unwrapped.

2 Q. As I understand, it all the exhibits under three are
3 admitted into evidence. I would like to publish 3D.

4 THE COURT: All right.

5 Q. I would like to show you what's been marked as Government's
6 Exhibit 3D.

7 THE COURT: You want that shown to the jury, correct?

8 MR. SKARET: Yes, please, Your Honor.

9 THE COURT: All right.

10 Q. (By Mr. Skaret) Do you recognize what's been marked as
11 Government's Exhibit 3D?

12 A. Yes, sir.

13 Q. What is Government's Exhibit 3D?

14 A. It is two, looks like, spare tires and a duffle bag. Looks
15 like bundles of an item inside the duffle bag.

16 Q. All right. And how was this -- how was the drugs -- how
17 were the drugs packaged in those tires?

18 A. The drugs were packaged inside of the tires. And the tires
19 were cut open to get the drugs out and the drugs were inside
20 the duffle bag.

21 Q. So, in addition to the tires, they were in the duffle bag?

22 A. Yes, sir.

23 Q. I would like to show you what's been marked as 3E and
24 published to the jury.

25 THE COURT: You may.

1 Q. (By Mr. Skaret) Government's Exhibit 3E here. What are we
2 looking at here if you can see that?

3 A. It is a package being removed from one of the spare tires.

4 Q. And is this area of the tire that I am pointing at here,
5 the top portion of the photo, is that a tear in the tire?

6 A. That's where they cut it open to get the drugs out.

7 Q. Who cut that tire open?

8 A. To my understanding DEA and the strike force comprised of
9 FBI agents.

10 Q. Agent Mikeska, I'd like to talk to you about the
11 stipulation of facts number four. This is stipulation in
12 evidence now, um, and this refers to a seizure of drugs that
13 was found in the binding of a book. Are you familiar with this
14 exhibit?

15 A. Yes, sir, I am.

16 Q. All right. Can you tell us about what happened during that
17 seizure?

18 A. We received a telephone call off the wire. And they
19 were -- it was between Hector Galindo and Manny Lopez. And
20 Hector Galindo asked Manny Lopez if the grams in the books had
21 been sent yet and Manny advised him it had not, he was working
22 with a BA member to get them sent. At this point, I contacted
23 the Texas Department of Corrections Office of Inspector
24 General, Jim Cleeland, and advised him there may a drug
25 shipment coming to the TDC Coffield Unit. And for him to be on

1 the lookout.

2 The package did arrive. They ran it through an x-ray;
3 it did not pick up anything on the x-ray. OIG inspector
4 Cleeland took the book back to his office and started looking
5 at the book more closely. The binding of the book looked
6 suspicious. They took a rod and put it the back of the
7 binding. When the rod came back out, it had a black -- brown
8 substance on it. They tested the brown substance. It tested
9 positive for cocaine. And they inspected, tested further and
10 removed, approximately, 4 grams of heroin out of the binding of
11 the book.

12 Q. Forgive me. Did you say the book was headed into the
13 Coffield prison?

14 A. Yes, sir, it was.

15 MR. SKARET: As I understand, all of Government's
16 Exhibit 4, the stipulation, has been admitted into evidence. I
17 would like to publish what's been marked as 4E.

18 THE COURT: All right. 4E may be published.

19 Q. (By Mr. Skaret) 4E, Agent Mikeska. This is hard to see.
20 But can you make out what it is that we're looking at?

21 A. It looks like they're looking down the spine of the book
22 where the -- the drugs were secreted.

23 Q. And the blue around here?

24 A. That's going to be one of the inspector's gloves, hands
25 pinching the book to keep it open.

1 Q. I would like to show you what's been admitted as
2 Government's Exhibit 4F. May I publish?

3 THE COURT: You may.

4 Q. (By Mr. Skaret) You see the same blue fingers. What else
5 can we see in here?

6 A. The substance, approximately, four grams of heroin in the
7 binding of the spine of the book.

8 MR. SKARET: 4G. If I may publish?

9 THE COURT: You may.

10 Q. (By Mr. Skaret) What do we see there, Agent Mikeska?

11 A. It appears that they have removed the drugs from the spine
12 of the book and they are laying next to the book.

13 Q. Did the FBI request that these drugs be sent to the DEA for
14 testing?

15 A. Yes, sir, they did.

16 Q. What was the result of the testing?

17 A. Tested positive for heroin.

18 Q. This is Government's Exhibit 4D-1, the drug lab.

19 MR. SKARET: May I publish this, Your Honor?

20 THE COURT: 4D-1? Okay. I'm just not clear -- any
21 objection to 4D-1?

22 MR. FOSTER: No objections.

23 THE COURT: It may be shown.

24 MR. FOSTER: That's under our stipulation, Judge.

25 THE COURT: Okay.

1 MR. SKARET: Thank you.

2 Q. (By Mr. Skaret) Can you tell us what you're looking at
3 here?

4 A. Yes, sir. You're looking at a drug lab report on the
5 heroin.

6 Q. And, um, can you show us on your screen where the research
7 weight of the heroin is located?

8 A. Right here. Actually, over to the right a little bit more.

9 THE COURT: Do you want to redo it? You can circle it
10 or an arrow.

11 THE WITNESS: When I tapped it, Your Honor, it jumped
12 over to the left.

13 Q. (By Mr. Skaret) In the left corner you can push clear.
14 And when you circle, give it a nice firm circle.

15 A. I will move it.

16 Q. And the reserve weight is?

17 A. 1.9 grams.

18 Q. This tested positive for heroin?

19 A. Yes, sir.

20 MR. SKARET: May I approach the witness, Your Honor?

21 THE COURT: You may.

22 Q. (By Mr. Skaret) I'm showing you what's been marked as
23 Government's Exhibit 4H. Do you recognize that exhibit?

24 A. Yes, sir, I do.

25 Q. What is that?

1 A. This is the book that contained the heroin that was shipped
2 to Texas Department of Corrections, Coffield Unit.

3 Q. Did the FBI receive possession of that book?

4 A. Yes, it did.

5 Q. How did you get the book?

6 A. Through the mail.

7 Q. Okay. And who did you request it from?

8 A. OIG Inspector Jim Cleeland.

9 Q. Where is he out of?

10 A. Out of TDC, Tennessee Colony, Coffield Unit. He's an
11 inspector for the Coffield Unit.

12 Q. So he sent you this book upon your request?

13 A. Yes, sir.

14 Q. Okay. And what's the name of the book?

15 A. The Whole Truth.

16 Q. Would you please open the bag on the exhibit, please?

17 MR. SKARET: Your Honor, before I have her show this,
18 I'd like to offer this.

19 THE COURT: Any objections?

20 MR. FOSTER: No objections, Judge.

21 THE COURT: 4H will be admitted. And it may be shown.

22 Q. (By Mr. Skaret) Can you show us sort of where the heroin
23 was secreted in the book?

24 A. In the spine of the book, the heroin was secreted back on
25 this back side.

1 Q. Thank you, Agent Mikeska.

2 Agent Mikeska, are you familiar with a individual
3 named Ramon Cano?

4 A. Yes, sir.

5 Q. Who is Ramon Cano?

6 A. He is a Barrio Azteca member. Back in 2009, 2010, he was
7 in charge of running the streets of El Paso.

8 Q. All right. And, pardon me, did you say he was a
9 lieutenant?

10 A. No. He did not have any rank. But he was running the
11 streets of El Paso.

12 Q. And at some point did the FBI conduct a search of his
13 residence?

14 A. Yes, sir, they did.

15 Q. When was that?

16 A. It was March 19, 2010.

17 Q. Okay. Do you recognize what I handed you in Government's
18 Exhibits 5A, 5B, and 5D?

19 A. Yes, sir.

20 Q. What are those exhibits?

21 A. 5A. It looks like wrappings, little plastic bags. 5B is
22 going to be a black scale. And 5D is wrappings.

23 Q. And were these part of what was found at the search of
24 Ramon Cano's house?

25 A. Yes, sir, they were.

1 MR. SKARET: I offer 5A, 5B and 5D.

2 THE COURT: Any objections?

3 MR. FOSTER: No objection.

4 THE COURT: 5A, 5B, D will be admitted.

5 Q. (By Mr. Skaret) Agent Mikeska, if I can show you what's
6 been marked as 5C. Do you recognize the photograph, 5C?

7 A. Yes, I do.

8 Q. What is 5C?

9 A. A spare tire that has been cut open.

10 Q. And where was 5C located?

11 A. In Ramon Cano's house.

12 Q. This was part of the search?

13 A. Yes, sir.

14 Q. That was part of the evidence that was recovered?

15 A. Yes, sir.

16 Q. Is there anything special about that tire?

17 A. Yes, sir. Um, they -- at -- there are slits all around the
18 side walls of the tire.

19 MR. SKARET: Your Honor, I offer Government's Exhibit
20 5C.

21 THE COURT: Any objections?

22 MR. FOSTER: No objections, Judge.

23 THE COURT: It will be admitted. Would you like it
24 shown?

25 MR. SKARET: Yes, please.

1 Q. (By Mr. Skaret) Can you please show us with your finger
2 where the slits in the tire are in this picture and highlight
3 them for us?

4 A. All around the outside wall.

5 Q. Is this consistent with the tire that was seized or with
6 the two tires seized with respect to Exhibit 4 that we just
7 looked at?

8 A. Yes, sir.

9 MR. SKARET: May I approach, Your Honor?

10 THE COURT: Yes, you may.

11 Q. (By Mr. Skaret) Agent Mikeska, forgive me, I neglected to
12 show you 4G-1 when we were talking about the book. Do you
13 recognize what's been marked as 4G-1?

14 A. Yes, I do.

15 Q. What is 4G-1?

16 A. It's a package containing the heroin that was removed from
17 the book that was sent to TDC Coffield Unit.

18 Q. And is this the substance that tested positive for heroin?

19 A. Yes, it is.

20 Q. Out of that book?

21 A. Yes, sir.

22 MR. SKARET: Your Honor, I offer 4G-1.

23 THE COURT: Any objections?

24 MR. FOSTER: No objections, Judge.

25 THE COURT: It will be admitted.

1 MR. SKARET: Okay.

2 Q. (By Mr. Skaret) As part of the case, there were searches
3 done at the residence of the co-defendants in the case. Is
4 that correct?

5 A. Yes, sir.

6 Q. All right. Do you know of an individual named Omar Lopez?

7 A. Yes, I do.

8 Q. And who is Omar Lopez?

9 A. Omar Lopez is a Barrio Azteca member and right-hand man of
10 Manny Lopez.

11 Q. What does it mean to be someone's right-hand man?

12 A. An individual that the leader can count on. If there's a
13 job that needs to be done, they can count on that individual to
14 take care of it.

15 Q. And you said he was Manny Lopez's right-hand man. What was
16 Manny Lopez's role at the time of the arrest in the case?

17 A. He was running the streets of El Paso for the BAs.

18 Q. What was his rank?

19 A. He was sergeant.

20 Q. I'm showing you what's been marked as Government's Exhibits
21 6A through 6SS.

22 If you would, take a look at 6A through 6SS. If you
23 would tell us if you recognize these items?

24 A. Yes, I do recognize them.

25 Q. Where are these items from?

1 A. From Omar Lopez's search.

2 Q. Were these taken by the FBI?

3 A. Yes, sir, they were.

4 Q. And how can we be certain those are the same objects that
5 were taken from the home and are the same objects we're looking
6 at here in court?

7 A. Well, after the search they were booked into evidence. I
8 removed the bags from evidence and pulled the items out of the
9 evidence bags and placed them in Exhibit 6 bags.

10 MR. SKARET: Your Honor, I offer Government's Exhibits
11 6A through 6S.

12 THE COURT: Any objections?

13 MR. FOSTER: No objections.

14 THE COURT: 6A through 6S will be admitted.

15 Q. (By Mr. Skaret) Agent Mikeska, if you would count how many
16 cell phones you have in one of those bags. If we may publish
17 the phones, Your Honor?

18 THE COURT: You may. I want to clarify you initially
19 said 6SS. Is that what you asked to admit through.

20 MR. SKARET: Yes. 6SS.

21 THE COURT: All right. Any objections. I think I
22 misspoke. Through 6SS will be admitted.

23 MR. SKARET: Thank you.

24 A. I've counted 18 cell phones.

25 Q. Those were all recovered from Mr. Omar Lopez's house?

1 A. Yes, sir.

2 Q. Now, in Government's Exhibit -- if you could please give us
3 a general idea of what Government's Exhibits 6W through 6DD
4 are. 6W to 6DD.

5 A. Can you repeat those again, sir?

6 Q. Yes. 6W.

7 A. W?

8 Q. Uh-huh. And 6X, Y, Z and AA, BB, CC, DD.

9 A. Explain what it is? Or what --

10 Q. What are they, generally speaking?

11 A. We've got drug ledgers sheets. We've got some money order
12 receipts. We've got some -- or I should issued say wire
13 transfer receipts. We've got a list of BA members on the west
14 side, photo, a ledger with more drug ledgers on there.

15 Q. You mentioned the drug ledgers. Let me take you to 6BB.

16 MR. SKARET: Your Honor, if I may publish this on the
17 screen and have Agent Mikeska look at it.

18 THE COURT: You want it shown to the jury?

19 MR. SKARET: Yes, please.

20 Q. (By Mr. Skaret) Agent Mikeska, is this a drug ledger that
21 you mentioned?

22 A. Yes, sir, it is.

23 Q. And how can you tell?

24 A. The BAs sell an ounce of heroin for \$800 and a half ounce
25 for \$400. So it appears he makes \$6,400.

1 Q. All right. Now, in the middle just to the left of the
2 bottom of the Government's Exhibit sticker there, it says
3 dimes. What -- do you know what that means?

4 A. I believe it means how much he can make off dime bags.

5 Q. What is a dime bag?

6 A. About a gram or little bit less.

7 Q. All right.

8 MR. SKARET: Your Honor, I would like to show the
9 agent what's been marked as 6MM.

10 THE COURT: Do you want the jury to see it?

11 MR. SKARET: Yes, please.

12 THE COURT: All right.

13 Q. (By Mr. Skaret) What is 6MM?

14 A. It is the search and seizure warrant that was left at 6385
15 Domingo Street.

16 Q. Do you see the address, that's what you're referring to?

17 A. Yes. Thank you. 6385 Domingo Street.

18 Q. And the address of the search that you're serving is what?

19 A. 2900 Harrison Street.

20 Q. All right. So this is a record of the search and seizure
21 that occurred at another residence?

22 A. That is correct.

23 Q. Now, with respect to the search, did you find any drugs at
24 the home of Omar Lopez?

25 A. Yes, sir, we did.

1 Q. And did you field test the drugs?

2 A. Yes, sir, we did.

3 Q. And what did the drugs test as?

4 A. They tested positive for heroin.

5 Q. How much was found?

6 A. 97.5 grams.

7 Q. Agent Mikeska, would you look up there. Do you have
8 Government's Exhibit 1A-1A?

9 A. Yes, sir, I do.

10 Q. Are those the drugs that were seized?

11 A. Yes, sir, they are.

12 Q. Those were the drugs that were tested?

13 A. Yes, sir.

14 MR. SKARET: Your Honor, I offer Government's Exhibit
15 1A-1A.

16 THE COURT: Any objections?

17 MR. FOSTER: No objections, Judge.

18 THE COURT: It will be admitted.

19 Q. (By Mr. Skaret) We were just looking at that search and
20 seizure warrant. Are the -- or the search and seizure returned
21 that was found at Omar Lopez's house?

22 A. Yes, sir.

23 Q. That was an address on Dominguez Street?

24 A. Domingo Street.

25 Q. Are you familiar with any individuals that live on Domingo

1 Street?

2 A. Yes, sir, I am.

3 Q. That particular address?

4 A. Jesus Espino was residing at that residence.

5 Q. Was that the search and seizure receipt from the search
6 conducted at Jesus Espino's house?

7 A. Could you pull up the receipt for me, please?

8 Q. Yes. That is Government's Exhibit 6MM.

9 MR. SKARET: If we may publish that to the jury, Your
10 Honor?

11 A. That is the search and seizure warrant. But not the
12 receipt. The receipt of property? Or the receipt?

13 Q. Can we pull up what's listed as --

14 THE COURT: Might be the last page.

15 MR. SKARET: Perhaps the last page. Here we go.

16 Q. (By Mr. Skaret) Do you recognize that?

17 A. Yes, sir I do.

18 Q. What is that?

19 A. That is items of property seized from Jesus Espino's
20 residence on November 23rd.

21 Q. This was found at Omar Lopez's house?

22 A. Yes, it was.

23 Q. Okay. I'd like to show you what's been marked as 6NN as in
24 Nancy Nancy. If we may publish?

25 THE COURT: You may.

1 Q. (By Mr. Skaret) What is 6NN?

2 A. It is the search warrant that was left at Jorge Diaz's
3 residence. Payaso, his residence was located at 5649 Beacon in
4 El Paso, Texas.

5 Q. And scroll down a little bit on this one. What is that
6 page? Tell us about the address on Beacon.

7 A. This was the property item seized from the Beacon residence
8 during the search warrant and consent to search.

9 Q. Go to the next page. How about the second page of receipt
10 of property?

11 A. That is the also property that was seized from Payaso's
12 house.

13 Q. Again, so this is a receipt of property seized at Payaso's
14 house found at Omar Lopez's house?

15 A. That is correct, sir.

16 Q. Okay. Let's move on. Are you familiar with an individual
17 named Rigoberto Fragoso?

18 A. Yes, sir, I am.

19 Q. And who is Rigoberto Fragoso?

20 A. Rigoberto Fragoso is a BA gang member. And he was in
21 charge of the Northeast side of El Paso, Texas for BAs.

22 Q. And was there a search performed at his house?

23 A. Yes, there was.

24 Q. I'm handing you what's been marked as Government's Exhibits
25 12A through 12D and E, F and G together. I'd like to just have

1 you focus your attention on Exhibits 12A through 12D.

2 A. Okay.

3 Q. When did you perform the search at Rigoberto Fragoso's
4 house?

5 A. March 9, 2011.

6 Q. All right. And what is Government's Exhibit 12A through
7 12D?

8 A. They're cellular telephones.

9 Q. Were they found at that search?

10 A. Yes, sir.

11 MR. SKARET: And, Your Honor, I would move to
12 introduce 12A through 12D.

13 THE COURT: Any objections?

14 MR. FOSTER: No objections.

15 THE COURT: 12A through D will be admitted.

16 MR. SKARET: May we publish those?

17 THE COURT: Yes.

18 Q. (By Mr. Skaret) This is 12A. Can you explain what we're
19 looking at here?

20 A. Yes, sir, it appears to be a cellular telephone.

21 Q. Antiquated?

22 A. Antiquated.

23 Q. 12B?

24 A. Antiquated cellular telephone.

25 Q. Same thing there, right?

1 A. Yes, sir.

2 Q. And 12C?

3 A. A little more updated cellular telephone.

4 Q. D?

5 A. Same thing. A little bit updated cellular telephone.

6 Q. Okay. Let's move on. Are you familiar with an individual
7 named Carlos Perez?

8 A. Yes, sir.

9 Q. And does he have a nickname?

10 A. Bandit.

11 Q. Is he a Barrio Azteca?

12 A. Yes, sir.

13 Q. Was he charged in this indictment?

14 A. Yes, sir, he was.

15 Q. All right. And was there a search performed at his
16 residence?

17 A. Yes, there was.

18 Q. When was that search done?

19 A. March 9, 2011.

20 Q. All right. I've handed you what's been marked as
21 Government's Exhibits 11A through 11G. Do you recognize
22 Government's Exhibits 11A through 11G?

23 A. Yes, sir.

24 Q. All right. And what are those?

25 A. They're items seized from Carlos Perez's residence during

1 the search warrant.

2 Q. How do we know it's the same items that were seized there
3 that we're seeing in court today?

4 A. Because items were booked into evidence after the search.
5 And I removed them from the evidence bag and placed them into
6 the Exhibit 11 bag and labeled it Carlos Perez's search.

7 Q. All right. And tell us, what is Government's Exhibit 11A?

8 A. Cellular telephone.

9 MR. SKARET: At this point, I should offer
10 Government's Exhibits 11A through 11G.

11 THE COURT: Any objections?

12 MR. FOSTER: No objections, Judge.

13 THE COURT: 11A through 11G will be admitted.

14 Q. (By Mr. Skaret) Would you explain to us what we're looking
15 at with Government's Exhibits 11A through G?

16 A. It's, again, documents that were seized from Carlos Perez's
17 residence.

18 Q. Which exhibit is that?

19 A. This is 11G.

20 Q. Um.

21 MR. SKARET: Can we publish that to the jury?

22 THE COURT: You may.

23 Q. 11G. Could you zoom in on that, Jeff? Can you see 11G up
24 there?

25 A. Yes, sir.

1 Q. And what does this appear to be?

2 A. It appears to be a muleta list which is bad standing list
3 of Barrio Azteca members.

4 Q. Can you tell us what we're looking at on Government's
5 Exhibit 11C?

6 A. It is a small pendulum scale.

7 Q. What kind?

8 A. Pendulum. Scale.

9 Q. All right. And, finally, um, with respect to what you have
10 up there, 11D. Can you explain what is 11D?

11 A. 11D is ammo.

12 Q. What kind of ammunition?

13 A. It appears to be 7.62 caliber round.

14 Q. And can you approximate for us how many rounds were
15 recovered just by looking?

16 A. Just in this bag?

17 Q. Uh-huh.

18 A. Thirty rounds.

19 Q. Is there a magazine with respect to Government Exhibit 11D?
20 Can you show the magazine to the members of the jury? Explain
21 to us what is a magazine?

22 A. A magazine is a item that is input into a rifle. And it is
23 loaded with ammo. And basically feeds ammo into the chamber
24 after the round is fired.

25 Q. I'm showing what's been marked as 11H. Was this something

1 recovered at the search of Carlos Perez's house?

2 A. Yes, sir, it is.

3 Q. And what is it?

4 A. It is an SKS rifle.

5 MR. SKARET: Your Honor, I would move to admit the SKS
6 rifle Government's Exhibit 11H.

7 THE COURT: Any objections?

8 MR. FOSTER: No objections, Judge.

9 THE COURT: Admitted.

10 MR. SKARET: May we publish?

11 THE COURT: You may.

12 Q. (By Mr. Skaret) Please show the jury what's been marked as
13 11H. What kind of a weapon is this?

14 A. It is an SKS assault rifle.

15 Q. And the magazine also found, does that fit into that
16 particular weapon?

17 A. Yes, sir.

18 Q. And the bullets that you were referencing, are those
19 bullets for that weapon?

20 A. Yes, sir.

21 Q. I'd like to show you what's been marked as Government's
22 Exhibit 11I. I will take that from you. What is Government's
23 Exhibit 11I?

24 A. It is a Highpoint rifle.

25 Q. Was this recovered at the search of Carlos Perez's house?

1 A. Yes, it was.

2 Q. How do we know this is the same rifle that was recovered
3 that we're looking at in court today?

4 A. It was seized and placed into evidence and then brought to
5 me for trial purposes.

6 MR. SKARET: I offer 11I, Your Honor.

7 THE COURT: Any objections?

8 MR. FOSTER: No objections, Judge.

9 THE COURT: 11I will be admitted.

10 MR. SKARET: May we publish?

11 THE COURT: You may.

12 Q. (By Mr. Skaret) Agent Mikeska, please show the members of
13 the jury 11I.

14 Could you please take a look at Government's 11E,
15 Agent Mikeska?

16 A. B?

17 Q. E.

18 A. E. Okay.

19 Q. What is Government's 11E?

20 A. It appears to be additional rounds of 7.62 caliber.

21 Q. Which is the same ammunition that we were looking at --
22 same ammunition that fit into Government's Exhibit 11H, the
23 SKS?

24 A. Yes, sir.

25 Q. All right. Would you please take a look at 11F?

1 A. Yes, sir.

2 Q. What is Government's Exhibit 11F?

3 A. Additional rounds. You've got nine millimeter. It looks
4 like 40 caliber ammo.

5 MR. SKARET: Your Honor, may we publish this to the
6 jury as well?

7 THE COURT: You may.

8 Q. (By Mr. Skaret) Would you show the jury some of what
9 you're looking at in that bag?

10 A. Yes, sir.

11 Q. Again this is 11F?

12 A. These are nine millimeter rounds. And there's
13 approximately fifty rounds at the bottom of the bag. And this
14 is going to be a 40 caliber round. There is a fifty rounds in
15 the sleeve ammo.

16 MR. SKARET: I believe we have a photo of all this
17 ammunition all laid out together. May we publish that?

18 THE COURT: It is being published.

19 Q. (By Mr. Skaret) The date of this search was what day?

20 A. March 9, 2011.

21 Q. There were also some photos taken on the day of the search.
22 Is that correct?

23 A. Yes, sir.

24 Q. Are you familiar with the photos?

25 A. Yes, sir, I am.

1 Q. Are those true and accurate representations of the search
2 as they were being conducted that day?

3 A. Yes, sir.

4 Q. All right.

5 MR. SKARET: Um, I would -- I offer to admit 11J, Your
6 Honor.

7 THE COURT: Any objections?

8 MR. FOSTER: No objection, Judge.

9 THE COURT: 11J will be admitted.

10 Q. (By Mr. Skaret) With respect to Government's Exhibit 11J,
11 are there any typographical errors on this particular photo?

12 A. Yes, sir, the date.

13 Q. The date?

14 A. Yes, sir.

15 Q. Okay. And which error is that? Can you show us where that
16 is?

17 A. Yes, sir. It should be March 9, 2011.

18 Q. 2011 as opposed to 2010?

19 A. Yes, sir. Yes, sir.

20 Q. And is it listed incorrectly like that throughout?

21 A. Yes, sir.

22 MR. SKARET: Javier, can we capture that for the
23 record?

24 THE COURT: This was 11J. How about 11J-1? Does that
25 work?

1 MR. SKARET: Thank you, Your Honor.

2 Q. (By Mr. Skaret) Were there any drugs seized from Carlos
3 Perez's house on the day of the search?

4 A. Yes, sir.

5 Q. What was seized?

6 A. Amount of cocaine and a small amount of heroin.

7 MR. SKARET: May I approach?

8 THE COURT: You may. And that has been captured.

9 MR. SKARET: Thank you.

10 Q. (By Mr. Skaret) I've handed you what is marked as 1A-3A.

11 A. Yes, sir.

12 Q. Do you recognize 1A-3A?

13 A. Yes, I do.

14 Q. What is it?

15 A. It is the heroin that was seized out of Carlos Perez's
16 residence.

17 Q. And was this heroin sent to the DEA for analysis?

18 A. I believe so.

19 Q. What was the -- what was the result of the DEA's analysis?

20 A. It tested positive for heroin.

21 MR. SKARET: Your Honor, I offer 1A-3A.

22 THE COURT: Any objections?

23 MR. FOSTER: No objections, Judge.

24 THE COURT: 1A-3A will be admitted.

25 Q. (By Mr. Skaret) You mentioned an individual by the name

1 Manny Lopez?

2 A. Yes, sir.

3 Q. You said he was a Barrio Azteca member. Is that right?

4 A. He was a Barrio Azteca in charge of the streets of El Paso,
5 yes, sir.

6 Q. And did the FBI do a search warrant at his house?

7 A. Yes, sir, they did.

8 Q. What day was that?

9 A. March 9, 2011.

10 Q. If you would please take a look at Government's Exhibit 7A.
11 Do you recognize Government's Exhibit 7A?

12 A. Yes, sir.

13 Q. And what is 7A?

14 A. It's a cellular telephone.

15 Q. Was this cellular telephone taken on the day of the search
16 warrant at Manny Lopez's house?

17 A. Yes, sir, it was.

18 Q. And what was the date of that search?

19 A. March 9, 2011.

20 MR. SKARET: Your Honor, I offer 6A.

21 MR. FOSTER: No objections --

22 MR. SKARET: I'm sorry, 7. 7.

23 THE COURT: 7A will be admitted.

24 Q. (By Mr. Skaret) Were you involved with the defendant's
25 arrest in the case?

1 A. Yes, sir, I was.

2 Q. And what date did that take place?

3 A. March 9, 2011.

4 Q. And where was the defendant living at that time?

5 A. 4116 Durazno.

6 Q. All right. Did you execute a search warrant at his
7 residence?

8 A. Yes, I did.

9 Q. Was it that day?

10 A. No, it was two days later. March 11, 2011.

11 Q. Did you have court authorization to search his home?

12 A. Yes, I did.

13 Q. Were you personally involved in the search?

14 A. Yes, I was.

15 Q. Did you have permission from the Court to search his entire
16 home?

17 A. No, sir, just his bedroom.

18 Q. Can you describe what his bedroom looked like?

19 A. Yes, sir. Um, going down the hallway you come into his
20 bedroom. The bed is right in front. Next to the bed there's a
21 nightstand. And then off to the right-hand side there's a
22 desk. And there was a chair. And then in the corner there is
23 like a little mini-closet where you can hang clothes. And then
24 when you turned and went more into his bedroom, he had a chest.
25 And then an ironing board, television set. And -- and a sink

1 back in the right-hand corner.

2 Q. I'm handing you what's been marked as 14B through 14J. Do
3 you recognize 14A through 14J?

4 A. Yes, sir.

5 Q. How do you recognize it?

6 A. These were items that were seized out of Ramon Renteria's
7 bedroom.

8 Q. I may have misspoke. I'm not sure you have 14A. You may
9 just have B through J. Can you check for these exhibits?

10 A. I have 14A.

11 Q. Okay. You do.

12 A. Yes, sir.

13 THE COURT: But you only spoke to 14B. Is she
14 identifying A through J?

15 MR. SKARET: 14J that's right, Your Honor. 14A
16 through 14J.

17 Q. (By Mr. Skaret) Were those items recovered at the home,
18 Ramon Renteria?

19 A. They were recovered in his bedroom.

20 Q. In his bedroom?

21 A. Yes, sir.

22 Q. And you had Court authorization to do so?

23 A. Yes, sir.

24 MR. SKARET: I offer 14A through 14J.

25 THE COURT: Any objections?

1 MR. FOSTER: Just a minute, Judge. I have no
2 objection.

3 THE COURT: No objection?

4 MR. FOSTER: No objections, Judge.

5 THE COURT: All right. 14A through 14J will be
6 admitted.

7 Q. (By Mr. Skaret) All right. There were also some
8 photographs taken on the date of that search. Is that correct?

9 A. Yes, sir.

10 Q. I'd like to show you what's been marked -- Court's
11 indulgence. All right you mentioned there were some photos
12 taken. Are you familiar with photos 14K through 14T?

13 A. Yes, sir. But I could please see them?

14 Q. Yes, you may. Do you recognize 14K?

15 A. Yes, sir, I do.

16 Q. What is that a picture of?

17 A. It's the birth certificate of Ramon Renteria.

18 MR. SKARET: Your Honor, I offer 14K.

19 THE COURT: Any objections?

20 MR. FOSTER: Only that it will be kept sealed or
21 private after --

22 THE COURT: Yes. There's no problems with making
23 sure.

24 MR. FOSTER: Then no objections, Judge.

25 THE COURT: 14K will be admitted.

1 Q. (By Mr. Skaret) This shows -- this birth certificate that
2 you mentioned, 14K, was found where in his room?

3 A. In the bedroom. I believe it was on the nightstand.

4 Q. I'd like to show you what's been marked as 14M. What is
5 14M?

6 A. It's a bank statement.

7 Q. Was this found at -- is this a true and accurate
8 representation that was found at the defendant's house?

9 A. Yes, sir.

10 MR. SKARET: All right. Your Honor, I'd offer 14M.

11 THE COURT: Any objections?

12 MR. FOSTER: No objections.

13 THE COURT: Admitted. Shown to the jury?

14 MR. SKARET: Yes, please.

15 Q. (By Mr. Skaret) I would like to show you a photograph of
16 14K, Government's Exhibit -- 14Q. Do you recognize 14Q?

17 A. Yes, I do.

18 Q. What is Government's Exhibit 14Q?

19 A. It is a pancho of a Aztec calendar hanging up in his
20 bedroom.

21 Q. Was it hanging up just like that when the picture was
22 taken?

23 A. Yes, sir.

24 Q. Is that a true and accurate representation of how it was
25 that day?

1 A. Yes, sir.

2 MR. SKARET: I offer 14Q.

3 MR. FOSTER: No objections.

4 THE COURT: 14Q will be admitted.

5 Q. (By Mr. Skaret) 14R. What part of this picture do you see
6 the Aztec calendar that you mentioned?

7 A. Just the whole dial is what I would refer to as an Aztec
8 calendar.

9 Q. I would like to show you 14R. Government's Exhibit 14R.

10 A. It's like a plate hanging up on the wall, Aztec calendar,
11 Aztec culture.

12 Q. And this was in his room?

13 A. Yes, sir.

14 Q. Was this a true and accurate representation of how it
15 looked on that day?

16 A. Yes, sir.

17 MR. SKARET: I offer 14R.

18 THE COURT: Objections?

19 MR. FOSTER: No objections, Judge.

20 THE COURT: It will be admitted. Would you like the
21 jury to see it?

22 MR. SKARET: Yes, please.

23 Q. (By Mr. Skaret) As far as the Aztec calendar goes, is the
24 entire plate part of the calendar?

25 A. It's just -- I wouldn't call this the calendar. It's just

1 an Aztec culture representation, kind of a plate that was on
2 his wall.

3 Q. And did the FBI seize that plate or take a picture?

4 A. No, sir, we just took photographs.

5 Q. I would like to show you what's been marked as Government's
6 Exhibit 14S. Do you recognize 14S?

7 A. Yes, sir, I do.

8 Q. What is it?

9 A. It is a blanket of an Aztec Indian holding his slain
10 maiden.

11 Q. Where was that the day of the search?

12 A. Immediately to your left-hand side on the wall when you
13 walked in the door.

14 Q. Is that a true and accurate representation of how that
15 looked on the day of the search?

16 A. Yes, sir.

17 MR. SKARET: I offer Government's Exhibit 14S.

18 THE COURT: Any objections?

19 MR. FOSTER: No objections.

20 THE COURT: It will be admitted.

21 Q. (By Mr. Skaret) Can you explain to the jury, Agent
22 Mikeska, what we're looking at again?

23 A. It is a blanket of an Indian warrior holding his slain
24 maiden.

25 Q. And what's coming out of the top of the warrior's

1 headdress?

2 A. Feathers.

3 Q. All right. I would like to show you what's been marked as
4 14T.

5 MR. SKARET: Just for the agent.

6 Q. Do you recognize 14T?

7 A. Yes, sir.

8 Q. What is it, 14T?

9 A. It is two receipts. It appears he had purchased a 2005
10 Elantra.

11 Q. 2005 what?

12 A. Elantra.

13 Q. Is this a -- where was this photo taken?

14 A. The receipts were on top of the chest in his bedroom and
15 laying up on top of the chest.

16 Q. Is this a true and accurate photo of the receipts on that
17 chest?

18 A. Yes, sir.

19 Q. On that day?

20 A. Yes, sir.

21 MR. SKARET: I offer 14T, Your Honor.

22 THE COURT: Any objections?

23 MR. FOSTER: No objections.

24 THE COURT: It will be admitted. Would you like it
25 shown to the jury?

1 MR. SKARET: Yes, please.

2 Q. (By Mr. Skaret) Can you see that okay on your screen,
3 Agent Mikeska?

4 A. Yes, sir.

5 Q. I would like to show you what's been marked as Exhibit 14P.
6 Do you recognize 14P?

7 A. Yes, I do.

8 Q. And what is that exhibit?

9 A. They were letters that were pulled out of his drawer right
10 by his bed.

11 Q. Is that a photograph of those letters?

12 A. Yes, sir.

13 Q. Is that how it looked on the day of the search?

14 A. Once we pulled them out -- they were placed in the drawer,
15 we pulled them out and laid them out and took photos of them.

16 MR. SKARET: I offer 14P, Your Honor.

17 THE COURT: Any objections?

18 MR. FOSTER: No objections.

19 THE COURT: 14P will be admitted.

20 Q. (By Mr. Skaret) Now, these particular letters that we're
21 taking a look at, did you seize the letters themselves?

22 A. Yes, we did.

23 Q. All right. Can you please show me Exhibit 14E. I believe
24 it's up with you.

25 A. B?

1 Q. E. It would be a letter?

2 THE COURT: And that has been admitted. Do you want
3 it shown to the jury?

4 MR. SKARET: Yes, please, Your Honor.

5 Q. (By Mr. Skaret) What's on the outside of the letter?

6 A. It is to Mr. Renteria, Ramon. His register number at
7 Bureau of Prisons United States Penitentiary, P.O. Box, 2099,
8 Pollock, Louisiana 71467. And is from a Mrs. C Sandy; 7558 --
9 it looks like Adobe Drive, El Paso, Texas 79915.

10 Q. What's the date of that postmark?

11 A. August 17, 2010.

12 Q. I would like to show you what's been marked as Exhibit 14G
13 and admitted into evidence.

14 THE COURT: You want it shown?

15 MR. SKARET: Yes, please.

16 Q. (By Mr. Skaret) What is this we're looking at?

17 A. It's a letter to Mr. Ramon Renteria. Again, register
18 number United States penitentiary, P.O. Box 2630 Beaumont,
19 Texas. And it's from a Mrs. C. Sandy Delgado, 7558 Adobe Drive
20 El Paso, Texas 79915.

21 Q. What's the date?

22 A. September 8, 2010.

23 Q. Is this the letter that was inside of the papers that were
24 inside that letter?

25 A. Yes, sir. Let me confirm. Yes, it is.

1 Q. Okay. I'd like to show you, um, on the screen if you
2 could, Government's Exhibit 14C. Do you recognize 14C?

3 A. Yes, sir, I do.

4 Q. What is that?

5 A. Newspaper from El Diario regarding the Barrio Aztecas.

6 Q. Was this found in the room of the defendant?

7 A. Yes, sir, on his chest in his bedroom.

8 Q. Government's Exhibit 14A.

9 MR. SKARET: I don't believe we published that, Your
10 Honor.

11 THE COURT: Did -- yes.

12 Q. (By Mr. Skaret) I would like to show you Government's
13 Exhibit 14A. If we may publish this?

14 THE COURT: Yes.

15 MR. SKARET: May I approach?

16 Q. (By Mr. Skaret) 14A. Tell us what we're looking at. 14A.

17 A. It is a receipt from Ramon Renteria for rent '05 Elantra,
18 Palm, for \$500.

19 Q. I'd like to show you what's been marked as Government's
20 Exhibit 14D. If we may publish this to the jury as well?

21 THE COURT: You may.

22 Q. (By Mr. Skaret) Agent Mikeska, what are we looking at here
23 in 14D?

24 A. It's a receipt for the purchase of a Cricket cell phone, it
25 appears.

1 Q. And this was found in the defendant's room?

2 A. Yes, sir, it was. I believe this was found in his
3 nightstand by his bed.

4 Q. I would like to show you Government's Exhibit 14H. Do you
5 recognize 14H?

6 MR. SKARET: May I publish this?

7 THE COURT: You may.

8 Q. (By Mr. Skaret) What is it?

9 A. It is a stickie note with his e-mail account or address on
10 there.

11 Q. And the email appears to be what?

12 A. Ramon, R-A-M-O-N.Renteria, R-E-N-T-E R-I-A, 75@yahoo.com.

13 Q. Across the right side of this exhibit with the numbers
14 going from bottom to top, do you see -- can you read us what
15 those numbers are or what it says?

16 A. Yes, sir. It looks like a password, 21oldschool21.

17 Q. So 21oldschool21?

18 A. Yes, sir.

19 Q. Here is a different address at the bottom of Government's
20 Exhibit 14H?

21 A. Yes, sir.

22 Q. Is that RENRamon73@yahoo.com?

23 A. Yes, sir.

24 Q. 14I.

25 MR. SKARET: If we may publish this, Your Honor?

1 THE COURT: You may.

2 Q. (By Mr. Skaret) What are we looking at here, Agent
3 Mikeska?

4 A. It looks like a financial statement from a Navy Federal
5 Credit Union.

6 Q. Who is it addressed to?

7 A. It is addressed to Ramon Renteria.

8 Q. Can you pull up 14F?

9 MR. SKARET: May we publish this to the jury, Your
10 Honor?

11 THE COURT: Yes.

12 Q. (By Mr. Skaret) What are we looking at here, Agent
13 Mikeska?

14 A. It is an envelope from Federal Bureau of Prisons. It
15 appears it may have been going to him. But he wasn't, maybe,
16 at Pollock anymore. So they forwarded it to the place where he
17 was at, Beaumont, Texas.

18 Q. So the return address is in Pollock, Louisiana. And it
19 appears to be -- the forwarding address is Beaumont, Texas?

20 A. Yes, sir.

21 Q. I'd like to show you what's been marked as 14J. Do you
22 recognize --

23 MR. SKARET: May we publish this to the jury, as well?

24 THE COURT: You may.

25 Q. (By Mr. Skaret) Do you recognize 14J?

1 A. Yes, sir, I do.

2 Q. What is it?

3 A. It's a sheet of paper with an e-mail address on it. The
4 same as on the stickie note. And the 21oldschool21 right
5 underneath it.

6 Q. All right. Um, are you familiar with a production done by
7 the History Channel entitled Gangland?

8 A. Yes, sir.

9 Q. How are you familiar with that?

10 A. It was based on the 2008 RICO after the trial had ended.

11 Q. Okay. And what is it? What is Gangland?

12 A. It's, basically, describing the Barrio Aztecas and how they
13 connected with the Juarez drug cartel. They are based in El
14 Paso, Texas. And connected with the Juarez drug cartel. The
15 drug shipments, the violence that all occur in this area.

16 Q. And is that a television show?

17 A. Yes, sir, it's on the History Channel. But it has been on
18 Spike TV.

19 Q. And when did that come out, more or less?

20 A. Maybe the end of 2009.

21 Q. And the episode that you're describing, is that an episode
22 that's specific to the Barrio Azteca?

23 A. Yes, it is. It's called Blood River.

24 Q. I'd like to draw your attention to Government's Exhibit

25 14B. Do you recognize Government's Exhibit 14B?

1 A. Yes, sir, I do.

2 Q. And what is Government's Exhibit 14B?

3 A. It's a CD of the Gangland episode, El Paso and Juarez
4 titled Blood River.

5 MR. SKARET: May we publish 14B?

6 THE COURT: You may.

7 Q. (By Mr. Skaret) You found this in the defendant's room?

8 A. Yes, sir. It was on the chest in his bedroom.

9 Q. Now, 14L. Can you describe what we're looking at in 14L?

10 A. 14L is a photograph of his chest in his bedroom, which had
11 the newspaper, the receipts are not shown but the receipts were
12 there, and then the Gangland Blood River episode CD.

13 Q. Is that a fair and accurate representation of how that
14 looked on the day of the search?

15 A. Yes, sir.

16 MR. SKARET: Your Honor, I offer Government's Exhibit
17 14L.

18 THE COURT: Any objections?

19 MR. FOSTER: No objections, Judge.

20 THE COURT: 14L will be admitted.

21 MR. SKARET: May we publish Government's Exhibit 14L?

22 THE COURT: You may.

23 Q. (By Mr. Skaret) I'd like to show you what has been marked
24 as Government's Exhibit 28. Are you familiar with Government's
25 Exhibit 28?

1 A. Yes, sir, I am.

2 Q. And what is Government's Exhibit 28?

3 A. Photographs of Ramon Renteria and his tattoos.

4 Q. And the pictures that are associated with Government's
5 Exhibit 28, came from where?

6 A. As far as being photographed, they came from Ramon
7 Renteria.

8 Q. Okay.

9 THE COURT: I show it's been admitted. Do you want it
10 shown to the jury.

11 MR. SKARET: Yes, if we could, please.

12 Q. (By Mr. Skaret) Is this part of Government's Exhibit 28?

13 A. Yes, sir.

14 Q. What are we looking at here?

15 A. Photographs of Ramon Renteria's tattoos.

16 Q. Okay. What are we looking at there?

17 A. Pictures of EPT on his neck, tattoo.

18 Q. All right. Moving on. I'd like to show you what's been
19 marked as Government's Exhibit 26. Do you recognize
20 Government's Exhibit 26?

21 A. Yes, sir, I do.

22 Q. What is Government's Exhibit 26?

23 A. It is an organizational chart of the Barrio Azteca criminal
24 enterprise for this RICO 2011 case.

25 Q. Does the chart list everyone indicted in the current case?

1 A. Yes, sir.

2 Q. Is there anyone on the chart that has not been indicted in
3 the case?

4 A. Yes, sir, there are.

5 Q. Would that be Benjamin Alvarez?

6 A. Yes, sir.

7 Q. And Carlos Pereya?

8 A. Yes, sir.

9 Q. And Manuel Cardoza?

10 A. Yes, sir.

11 Q. Did you supply the names and the pictures for this
12 particular organizational chart?

13 A. Yes, sir, I did.

14 Q. How do you know that the names that are on this chart go
15 with the pictures?

16 A. Because I listed them underneath the photographs.

17 Q. With respect to the captains in the 2008 case, Benjamin
18 Alvarez, Carlos Pereya and Manuel Cardoza, are those true and
19 accurate representations of those individuals?

20 A. Yes, sir.

21 Q. On this organizational chart?

22 A. Yes, sir.

23 Q. All right. It is a true and accurate representation of the
24 defendant, Ramon Renteria?

25 A. Yes, sir.

1 Q. Is it a true and accurate representation of Roberto
2 Cardona?

3 A. Yes, sir.

4 Q. Is this a true and accurate representation of Hector
5 Galindo?

6 A. Yes, sir.

7 Q. And Manny Lopez? True and accurate on Jesus Espino?

8 A. Yes, sir.

9 Q. And Thomas Roberts?

10 A. Yes, sir.

11 Q. David Conde?

12 A. Yes, sir.

13 Q. Is it a true and accurate representation of Omar Lopez?

14 A. Yes, sir.

15 Q. Rigoberto Fragosos?

16 A. Yes, sir.

17 Q. Albert Mendoza?

18 A. Yes, sir.

19 Q. Ricardo Gonzalez?

20 A. Yes, sir.

21 Q. Juan Manuel Vizcaino?

22 A. Yes, sir.

23 Q. Adam Garcia?

24 A. Yes, sir.

25 Q. Angel Renteria?

1 A. Yes, sir.

2 Q. Santiago Lucero?

3 A. Yes, sir.

4 Q. Carlos Perez?

5 A. Yes, sir.

6 Q. April Cardoza?

7 A. Yes, sir.

8 Q. Yolanda Chavarria Barba?

9 A. Yes, sir.

10 Q. Desiree Cardona?

11 A. Yes, sir.

12 Q. Fabian Rodriguez?

13 A. Yes, sir.

14 Q. Lorenzo Espino?

15 A. Yes, sir.

16 Q. Hilda Cervantes.

17 A. Yes, sir.

18 Q. And Jorge Diaz?

19 A. Yes, sir.

20 Q. And how do you know, um, that all of those are fair and
21 accurate of all of those individuals?

22 A. I spoke with the case agent for the Albuquerque case. And
23 I had them send me all the individuals -- their booking photos
24 or their DL photos. They sent them. And the guys that we had
25 in El Paso, we already had those photographs. And we put it

1 together in a chart.

2 Q. You talked to us earlier about an individual named David
3 Meraz, AKA Chicho.

4 A. Yes, sir.

5 Q. I would like to show you what's been marked as Government's
6 Exhibit 19E.

7 MR. SKARET: I believe this has been admitted into
8 evidence. I would like to publish it.

9 THE COURT: Yes.

10 Q. (By Mr. Skaret) Government's Exhibit 19E is a picture of
11 David Meraz. Is that correct?

12 A. Correct, sir.

13 Q. All right. And what was his role in the criminal
14 organization?

15 A. From 2008 RICO, he was operating as a captain.

16 Q. All right. You mentioned earlier you got a letter in
17 regards to Chicho. Without telling me what the letter said,
18 what did you do after you got that letter?

19 A. After I got the letter we tried to verify the contents of
20 the letter. And we did verify it. It took us about a week,
21 week and a half. And we went out to search for David Meraz.

22 Q. Were you concerned about David Meraz's safety?

23 A. Yes, sir, we were.

24 Q. Did you corroborate the threat?

25 A. Yes, sir, we did.

1 Q. And did you find David Meraz?

2 A. No, we did not.

3 Q. Did you -- what did you do to try to find him?

4 A. I went out with a task force officer on our squad. We
5 questioned a lot of sources. We went to his mother's house. I
6 left my business card there. And I never heard back from his
7 mother.

8 MR. SKARET: We pass the witness.

9 THE COURT: It's 2:44. Let's take a break. Remember,
10 you remain under all the instructions the Court has given you.
11 And see you back before 3:00. 2:55.

12 (Jury leaves courtroom.)

13 THE COURT: You may be seated. I would ask that when
14 Mr. Martinez comes back in, that you go over the list of
15 exhibits that have been admitted with him. Just to make sure
16 he's got them all. And then, Mr. Foster, are you going to
17 reference those exhibits at all while you're crossing?

18 MR. FOSTER: I'm sorry?

19 THE COURT: Are you going to reference any of the
20 exhibits the Government issued while they've been crossing --
21 when you cross?

22 MR. FOSTER: I probably will only use about five of
23 them. Some of them are physical, which will make it easier.
24 But I will give them a list of what I want --

25 THE COURT: So they know which ones. All right. Then

1 we stand in recess.

2 (Recess.)

3 COURTROOM DEPUTY: Court is back in session.

4 THE COURT: You may be seated. Ready?

5 MR. FOSTER: Yes, Judge.

6 (Jury enters courtroom.)

7 THE COURT: You may be seated, Ladies and Gentlemen.

8 Whenever you're ready.

9 CROSS-EXAMINATION

10 BY MR. FOSTER:

11 Q. Good afternoon, Ms. Mikeska.

12 A. Good afternoon, sir.

13 Q. For the jury, my name is Scott Foster. I know you know me
14 because we've met a couple of times.

15 A. Yes, sir.

16 Q. I'm going to go over some questions with you. I must say I
17 don't think you're as mean as the other defense attorneys make
18 you out to be.

19 A. I appreciate that.

20 Q. But I do need to ask you a few things. So you were heavily
21 involved in the 2008 trial that people -- that we've been
22 talking about here today. Correct?

23 A. Yes, sir.

24 Q. Um, you said that, let's see, there were a number of people
25 that were prosecuted by the name of Benjamin Alvarez?

1 A. Yes, sir.

2 Q. Juan Carlos Pereya and Manuel Cardoza?

3 A. Yes, sir.

4 Q. Is that correct? And then there was a name mentioned,
5 Gustavo Gallardo. You said he was not convicted in that case.
6 Was that because he was not prosecuted in that case?

7 A. He was prosecuted in that case. I misunderstood the
8 question, or I misspoke. But he was prosecuted in the case.

9 Q. Actually, he was prosecuted in that case and also another
10 case. Is that correct?

11 A. Which case was that, sir?

12 Q. That would have been a case where the drugs that went up to
13 Detroit that you testified about, about the controlled
14 delivery?

15 A. That case was rolled into the RICO case.

16 Q. Wasn't he prosecuted separately before this judge?

17 A. No, I don't believe so, sir.

18 Q. Okay. Mr. Gallardo, like some other people, testified in
19 that trial?

20 A. Yes, sir, he did.

21 Q. And he received favorable benefit. Is that correct?

22 A. He received a benefit.

23 Q. Okay. And Eduardo Ravelo -- how do you pronounce?

24 A. Eduardo Ravelo.

25 Q. Uh-huh. He's prosecuted in this particular case?

1 A. Yes, sir. He has a outstanding warrant in 2008. And he's
2 also prosecuted in this case.

3 Q. And he's a named defendant in this particular case?

4 A. Yes, sir.

5 Q. And he is actually the only person outstanding in this case
6 who has not been arrested. Is that correct?

7 A. There are two. April Cardoza has also not been arrested.

8 Q. Okay. Is there any reason why April Cardoza has not been
9 arrested?

10 A. She has fled to Mexico.

11 Q. A lot of the same evidence that you used in the 2008 case
12 is being used in this case. Is that correct?

13 A. I wouldn't say a lot, sir. But the case does encompass
14 back to 2003.

15 Q. And the 2008 case went back to 2003 as well, did it not?

16 A. Yes, sir.

17 Q. Same dates. It's just that this is a -- kind of an
18 elongation?

19 A. It's an elongation. It's incorporated due to the fact it's
20 the criminal enterprise.

21 Q. A lot of the same evidence is coming in.

22 A. There is some evidence, but not a lot.

23 Q. You talked about doing a wire intercept on the phone by
24 Carlos Pereya, a cell phone that was in his possession.

25 A. Yes, sir.

1 Q. And I don't think I got the time frame on that. Exactly
2 when was that started?

3 A. 6-24, which is June 24, 2010. And we had a renewal on
4 that. And we took it down on August 19, 2010.

5 Q. Why did you take it down August 19, 2010?

6 A. The conversations in the wire, there was a lot of -- Carlos
7 Pereya was asking for a lot of assaults. So we didn't want to
8 take the chance of somebody getting killed. So we decided to
9 take it down at that time.

10 Q. You meant you decided take the phone down at that time, not
11 just the wire intercept. You're talking about you decided to
12 take -- go in to find the phone to stop the communication?

13 A. Correct.

14 Q. Is that what you mean?

15 A. And that would take down the wire --

16 Q. Okay.

17 A. -- once we took the phone away.

18 Q. Now, isn't it standard operating procedure when you have a
19 wire or running an intercept on a phone that's being operated
20 inside the Bureau of Prisons that you have Bureau of Prisons
21 personnel who are actually part of your operation who listen in
22 on the phone conversations?

23 A. Yes, sir.

24 Q. And who was that that was assigned on that particular case?

25 A. We had George Maldonado, BOP. And also Fabian Galindo.

1 Q. And what is their positions with BOP?

2 A. I'm not for certain, sir.

3 Q. Do they have like Texas does, an Office of Inspector
4 General or something like that, kind of a -- more of a
5 investigative law enforcement end on the BOP? Or is it just
6 like regular BOP personnel that may be assigned?

7 A. I can't speak on that, sir.

8 Q. So it's safe to assume that the Bureau of Prisons knew
9 about the conversations that were coming through this telephone
10 that you-all were -- that was in Mr. Carlos Pereya's
11 possession?

12 A. Yes, sir, they did.

13 Q. How did you establish, prior to listening and prior to
14 getting your warrant, that it was Mr. Carlos Pereya's
15 telephone?

16 A. We did research and analysis that tied it to a cell phone
17 that was being used by Chino Valles over in Mexico. And we had
18 probable cause to go up on his phone.

19 Q. I'm taking your word you had probable cause because the
20 Judge wouldn't have issued a warrant otherwise. But what I'm
21 trying to get to is I'm trying to find out, is it like top
22 secret information that you can't share? Or is it -- that's
23 what I'm trying to find out. Particular details of how you got
24 to this phone goes to Carlos Pereya. Is there something like
25 --

1 A. There's information I just cannot divulge at this time,
2 sir. I apologize.

3 Q. That's okay. It's fair enough. I understand those
4 situations and not wanting to talk about that in a public
5 courtroom.

6 A. I appreciate that.

7 Q. But what I want to get to is, you-all -- when I say
8 you-all, FBI, the Bureau of Prisons personnel, decided to take
9 the phone down on August 19th. Is that correct?

10 A. Yes, sir.

11 Q. And did you realize or did you know that on August 18
12 Carlos Pereyra and Ramon Renteria had been removed from that
13 cell and moved to other locations?

14 A. No, sir, we did not.

15 Q. The Bureau of Prisons personnel, would they have not been
16 privy to that information?

17 A. I was not aware of that information, sir.

18 Q. Were you aware that on August 19 there were other people
19 that populated that particular cell where the cell phone was
20 found?

21 A. No, sir, I was not.

22 Q. Never heard of the name of Michael Smith?

23 A. No, sir, I have not.

24 Q. Do you know where in the cell that the particular telephone
25 was found?

1 A. To my understanding it was a locker.

2 Q. Okay. There are usually two lockers in a cell where
3 there's two bunks.

4 A. I do not know exactly which locker that is.

5 Q. Okay. And so far you have testified that there is only one
6 telephone conversation on that cell phone that is recorded with
7 my client, Mr. Renteria. Is that correct?

8 A. On that phone, yes, sir.

9 Q. And the other recordings you-all have are on the public
10 telephone or the prison's phone that's used by prisoners.

11 A. There is one phone call that captured Mr. Renteria. And
12 then on another wire that we were up on, he answered the phone.

13 Q. Okay. I don't think I've seen that one. I'm talking about
14 the prison phone, the inmate phones that are used.

15 A. Yes, sir, that is outside the wires.

16 Q. Right. Because that's commonly -- that is commonly known
17 that particular phone that the prisoners use is recorded,
18 correct?

19 A. Correct.

20 Q. And that's why they don't do legal phone calls on those
21 particular phones, right?

22 A. Yes, sir, that's correct.

23 Q. And the prisoners know it's recorded.

24 A. They should know it's recorded, yes, sir.

25 Q. Because it has to tell them before they use it?

1 A. Yes, sir.

2 Q. And there are three quick -- three fairly fast recordings
3 on that. Do you know who he was talking to when he was talking
4 on those lines?

5 A. No, sir. It's an unidentified male.

6 Q. Back to the cell phone. What date did the recording take
7 place where you recorded Mr. Renteria?

8 A. On which call?

9 Q. The cell phone that you-all were doing the -- the intercept
10 on that was in Carlos Pereya's possession?

11 A. I believe June 28, 2010, call number 16 on Carlos Pereya's
12 wire.

13 Q. Okay. Are you positive on the date?

14 A. Not positive.

15 Q. Well, I'm asking are you sure. I'm not looking for -- I'm
16 not trying to split hairs. Was it the 28th and 29th, over
17 midnight like that? I'm trying to get down, are you sure it
18 was June, maybe not in August?

19 A. No, sir. It was in June. Call number 16.

20 Q. Okay. Then you say you had spinoffs from that particular
21 cell phone usage?

22 A. Yes, sir.

23 Q. And on those spinoffs you're talking about they belonged
24 to, I believe you said, Manny Lopez?

25 A. Manny Lopez, yes, sir.

1 Q. And we're expecting to hear from Manny Lopez later, right?
2 He's one of the cooperators?

3 A. He will be a witness.

4 Q. Yes. And a Hector Galindo?

5 A. Yes, sir.

6 Q. Who I understand, as you said, is off in Coffield?

7 A. He was in Coffield.

8 Q. At that time?

9 A. Until -- yeah. At the time until his arrest.

10 Q. Until all that stuff came out?

11 A. Correct.

12 Q. And Jesus Espino?

13 A. Yes, sir.

14 Q. And did any of those phones -- did you ever hear Ramon
15 Renteria's voice on any of those phones?

16 A. On Galindo's phone.

17 Q. On Galindo's phone?

18 A. Yes. He answered the phone for Shotgun one day. And his
19 voice is on that call.

20 Q. So when Galindo calls Carlos Pereya?

21 A. Yes, sir.

22 Q. And the phone is in the cell?

23 A. Yes, sir.

24 Q. And Ramon Renteria answers it for him?

25 A. Yes, sir.

1 Q. Okay. Any orders given to Mr. Renteria or any orders given
2 by Mr. Renteria on that call?

3 A. Not at that time, no, sir.

4 Q. Any business other than "is Shotgun there" conducted on
5 that phone call with Mr. Renteria?

6 A. Galindo was looking for Carlos Pereya at that time.

7 Q. Okay. Now, let's see, I'm sorry. I was just trying to
8 pick this up. . .

9 Now, you did a search warrant on Jorge Diaz's house?

10 A. Yes, sir.

11 Q. What date was that search warrant done?

12 A. November 12, 2010.

13 Q. And Jorge Diaz was, I believe your testimony was -- what --
14 I'm sorry, what section was --

15 A. He lived in Central. But he was the bank for the Barrio
16 Azteca criminal enterprise. In other words, he kept all the
17 money that was collected.

18 Q. Yes. There was -- there was some money that was taken,
19 seized in that. You testified that it was about \$20,000.

20 A. About 20,000. Yes, sir.

21 Q. You were there actually on that seizure, were you not?

22 A. Yes, sir.

23 Q. Or were you there when it was counted out.

24 A. I had two other agents counting that out.

25 Q. How much exactly was it counted out to be?

1 A. It counted out to be -- out of the car was \$20,812. There
2 was some extra money inside the house. So I think total that
3 they gave me at the house was \$21,279.

4 Q. Okay. Where did that money go?

5 A. The money was counted twice. And it was taken to the
6 office and booked in evidence.

7 Q. Who booked it into evidence?

8 A. The on-scene ERT personnel, which is Evidence Recovery
9 Personnel. And it was Michael Cordero.

10 Q. Okay. I understand there's been a problem with -- with
11 locating a portion of that money?

12 A. Yes, sir, there has been.

13 Q. Explain to me what Michael Cordero did with the money.

14 A. He booked it into evidence, sir.

15 Q. When you into it into evidence, it's like you're giving it
16 to a teller or locker?

17 A. We have an evidence control room. And I was there when he
18 had the money. And we were booking it in evidence. It was
19 already in a bag. And we booked it into evidence. And there
20 was \$3,475 short when it was pulled out to take it to the bank
21 and cashed it to the Marshals.

22 Q. Do other people besides Michael Cordero have access to the
23 evidence control room?

24 A. He does not have access. It's only the evidence control
25 technicians.

1 Q. And how many of those?

2 A. There's two of them in the evidence room. And in order to
3 get into the drugs or valuables vault, there has to be two
4 individuals. Evidence control technician and then a witness.

5 Q. I understand that that missing money is now under
6 investigation.

7 A. Yes, sir, it is.

8 Q. Now, my client has been charged with money laundering.
9 It's my understanding money laundering is taking money that has
10 been gained from some kind of illegal enterprise and trying to
11 use it in some other way so it doesn't appear to be money
12 gained from an illegal enterprise. Is that correct?

13 A. Yes, sir.

14 Q. So, whenever -- if and when someone's finally figured out
15 on this \$3,400 that came out of the stash house, are they going
16 to be joined in on this particular case or --

17 A. It's not my investigation, sir. It's under OIG. It's up
18 to them how they're going to prosecute it and move forward with
19 it.

20 Q. I'm being a little smart. I apologize.

21 A. That's fine, sir.

22 Q. Let's see. I believe you found some wire transfers. It
23 was 13V. And that were going to Pollock. Is that correct?

24 A. Can I get the -- the exhibit, please?

25 Q. Certainly. I didn't tell them about that. So I apologize.

1 It might take them a few minutes. I just was --

2 A. Just so I know exactly what you're talking about, sir.

3 Q. Yes, sir -- yes, ma'am. And I agree. I apologize. Do you
4 see it on your screen?

5 A. Yes, sir.

6 Q. Those are Western Union transfers?

7 A. Western Union wire transfer to -- it just changed.
8 Cardoza.

9 Q. I'm not in control of it.

10 A. Okay.

11 Q. So these were going to whom?

12 A. That this one in particular that I'm looking at now it's
13 got the inmate number 0540289.

14 Q. And do you know who that is?

15 A. I believe that's Manuel Cardoza's inmate number.

16 Q. Okay. Now, let's see, and Manuel Cardoza was -- Manuel
17 Cardoza was in the Coffield Unit. Is that correct?

18 A. He was -- he is in the Texas Department of Corrections,
19 Smith Unit.

20 Q. Okay. That's right -- well, let's see. All right. So
21 he's the TDCJ guy. He's not the Fed prison. There's one
22 that's TDCJ and the others are Fed, right?

23 A. That's correct as far as captains go, sir.

24 Q. Okay. Let's see. And I believe there was one made out to
25 Carlos Pereya for \$50.

1 A. I don't believe it's \$50.

2 Q. Well, let me help out. I believe the date was September 8,
3 2010.

4 A. September 8th. Jeff, can you keep going? That's 922.
5 Keep going, please. That's it right there. It's for \$100,
6 sir.

7 Q. For a hundred. Okay.

8 A. Yes, sir.

9 Q. I misread that. I thought captains were only paid 200.

10 A. If there's money short, they may pay them \$100. Then the
11 next week or next following week they will pay them \$100. So
12 they will have \$200 a month.

13 Q. So they don't always get an exact amount, specific, like
14 for sure 200 now. It might be broken up?

15 A. In order to avoid law enforcement detection, yes, sir. It
16 may be broken up.

17 Q. Okay. Are you aware that Carlos Pereya was not in Pollock
18 during that time, September 8, 2000 -- 2010?

19 A. I was not aware that he was not in Pollock. But to my
20 understanding when they took the phone, he immediately was
21 moved. But I did not know where he got moved to.

22 Q. Now, you said something about they were disguising where it
23 was coming from by giving different names or different
24 addresses?

25 A. It is my understanding and through investigations that they

1 will use bogus names and bogus addresses in order to avoid law
2 enforcement detection in order to send funds to commissary
3 accounts.

4 Q. So when you testified about a particular money order coming
5 from Jose Perez at 3518 Idalia here in El Paso, that would
6 probably have been a bogus name and address.

7 A. I have not checked that out. But there is potential that
8 it is a bogus name and address.

9 Q. And, actually, I believe that information came out in the
10 2008 case with -- with a gentleman that we talked about,
11 Mr. Gallardo.

12 A. Yes, sir.

13 Q. He kind of talked about that, didn't he, and about how they
14 would use different names and he would pick them out of the
15 phone book.

16 A. Yes, sir.

17 Q. Now Jesus Espino. Jesus Espino was what section of town?

18 A. He was west side.

19 Q. Okay. You did a search warrant in his case?

20 A. Yes, sir.

21 Q. When did you-all execute that search warrant?

22 A. November 23, 2010.

23 Q. So 11 days after Jorge Diaz.

24 A. Yes, sir.

25 Q. Of particular interest you said that you found a -- an

1 FD302 form.

2 A. Yes, sir.

3 Q. And who was the interview with on that FD302?

4 A. Baltazar Gallegos.

5 Q. And was that -- was that something that had -- was a past
6 investigation or present investigation?

7 A. I believe it was a past investigation, sir.

8 Q. You testified that you don't normally hand those out to
9 non-law enforcement officers.

10 A. No, sir.

11 Q. U.S. attorneys get them, right?

12 A. Yes, sir.

13 Q. And defense attorneys like me, we get them, right?

14 A. Sometimes.

15 Q. Okay. Yeah, that would be a true statement. Who else
16 besides -- outside the FBI might get those?

17 A. There shouldn't be in -- you know, maybe a law enforcement
18 agency if they need a 302 to work their investigation. But
19 other than that, the 302s are basically our document that we
20 use for testimonial nature, interviews. Anything that's going
21 to be used in court.

22 Q. Suspecting that you might have somebody in your office that
23 might be giving information?

24 A. There is potential.

25 Q. Right after that you testified about a seizure of

1 100 kilograms of cocaine that was in two tires and a duffle
2 bag.

3 A. Yes, sir.

4 Q. Where did you say that came from?

5 A. The drugs were supplied by Eduardo Ravelo, Tablas, and also
6 Luis Mendez. The middleman was going to be Gustavo Gallardo.

7 Q. That's the one you're saying that was rolled into the
8 2008 -- case?

9 A. Yes, sir. We took those drugs and rolled them into the
10 2008 because it was part of the enterprise.

11 Q. So that's kind of part of the old evidence that you're
12 using here to kind of jump into this trial?

13 A. Yes, sir, that is correct.

14 Q. So the 2008 seizure -- actually, that was a 2006 seizure,
15 was it not?

16 A. 2006.

17 Q. December 12, 2006, right at the end of 2006?

18 A. Yes, sir.

19 Q. So that doesn't have Ramon Renteria's name or stamp or
20 anything on that, does it?

21 A. No, sir.

22 Q. Now, the -- you talked about the books -- the book that had
23 the cocaine in the binder.

24 A. It was heroin, sir.

25 Q. Heroin. I'm sorry. You are correct. Okay. But didn't

1 you say it tested positive for cocaine on a field test?

2 A. It tested positive for heroin. If I said cocaine, I
3 misspoke.

4 Q. Okay. Well, I had heard that and written it down and
5 that's kind of funny. Okay. I will give you that. Can you
6 tell me what date that was that seizure was made on?

7 A. I believe it was September 14, 2010.

8 Q. And that one didn't have Ramon Renteria's name or stamp or
9 anything on it either, did it?

10 A. No, sir, it did not.

11 Q. In fact, it actually -- the lab reports came out and tested
12 3.3 grams, right?

13 A. Correct.

14 Q. Now, you talked about Ramon Cano. You said he was in
15 charge of central El Paso in 2009 and 2010. Can you give me
16 more specific dates? That covers a 24-month period.

17 A. It was at the end of 2009 and then beginning of 2010. It
18 kind of went back and forth for a while. So we were unsure who
19 was the one running the streets of El Paso ourselves,
20 initially. And then it was determined that Ramon Cano was
21 running the streets.

22 Q. Did you say he didn't have rank?

23 A. He did not have rank, no, sir.

24 Q. But Manny Lopez had rank during that time, did he not?

25 A. I do not believe he had his sergeant stripes, no, sir.

1 Q. When did Manny Lopez get rank?

2 A. It was on a wire that he was given rank. You know, I
3 cannot give you -- I can give you an approximate date.

4 Q. Okay.

5 A. Maybe July or August.

6 Q. 2010?

7 A. Yes, sir. For a short time. Maybe it was a little
8 earlier. Maybe it was May. But he just had control of the
9 streets for a short period of time.

10 Q. So would that have corresponded with Ramon Cano's losing or
11 no longer having control?

12 A. Ramon Cano was subsequently arrested. So when Cano was
13 arrested, then Manny stepped up and took over. Actually, let
14 me kind of back up. It was Ramon Cano. And then Roberto Angel
15 Cardona got it. And then Roberto Angel Cardona was arrested
16 and Manny Lopez got the streets.

17 Q. And where was Ramon Renteria during this time?

18 A. To my understanding incarcerated.

19 Q. Pollock and Beaumont?

20 A. Yes, sir.

21 Q. So those things that -- where there was a search done and a
22 tire was cut open, it had to do with Ramon Cano. That didn't
23 have Ramon Renteria's name or -- or connection with that
24 either, did it?

25 A. No, sir.

1 Q. You-all did a search warrant on Omar Lopez's house?

2 A. Yes, sir.

3 Q. And what day did you do that search on?

4 A. March 9, 2011.

5 Q. So we're skipping ahead a year from Cano to when you-all
6 did all these search warrants on March 9th?

7 A. We did two search warrants November 12, 2010. And then the
8 indictment came. And we did the take-down in which we did Omar
9 Lopez's search on his house.

10 Q. You did the search on Omar Lopez, Jesus Espino, Rigoberto
11 Fragoso, Carlos Perez, Manny Lopez, and the arrest of Ramon
12 Renteria all in the same day, March 9, 2011. Is that correct?

13 A. Yes, sir.

14 Q. Were you at each and every one of these searches that were
15 done?

16 A. No, sir, I was not.

17 Q. Which search were you present at?

18 A. I was present -- I don't believe I was present at any of
19 the searches. I had the, you know -- case agent was taking
20 care of individuals coming to be spoken to and interviewed.

21 Q. Were you present at the search that was done on March 11,
22 2011 at the house or the bedroom of Ramon Renteria?

23 A. Yes, I was.

24 Q. Why were you only allowed to search the bedroom?

25 A. When they -- the arrest for Ramon Renteria went to his

1 house to arrest him on the 9th. Officers were advised that
2 there was a notebook in his room. And we --

3 Q. No. No. I'm sorry. Why was it that you were only allowed
4 by the Judge -- in the search warrant you were only allowed to
5 search the bedroom and not the entire household.

6 A. Because we only had probable cause for the bedroom.

7 Q. Usually when you get in the door, you get the whole house,
8 don't you?

9 A. On this search we only had probable cause for the bedroom,
10 sir.

11 Q. Okay. Okay. Let me go back up the list then. Let's start
12 with the Omar Lopez search there. And that's the brother of
13 Manny Lopez?

14 A. Yes, sir.

15 Q. And Omar Lopez -- I believe, he's going to be one of the
16 cooperating witnesses as well is what's kind of planned.

17 A. He's a witness.

18 Q. You found a drug ledger, you call it, in his house. I
19 believe it's 6BB?

20 A. Yes, sir.

21 Q. I'm going to show you that now. Now, you were talking
22 about how this was broken down.

23 THE COURT: You want the Jury to see this?

24 MR. FOSTER: I'm sorry.

25 THE COURT: The Jury?

1 MR. FOSTER: Yes, please. I'm sorry. I'm not as
2 techno as what people think I am.

3 Q. (By Mr. Foster) Okay. You had this broken down. You said
4 there 800s and 400s. Would you explain that?

5 A. Yes, sir. As an investigator, we know that the ounce of
6 heroin is sold for \$800 an ounce. That's like the going rate.

7 Q. And how do you know that? Through snitches or through
8 undercover buys?

9 A. Through sources.

10 Q. Sources. Those confidential informants.

11 A. That is correct.

12 Q. Okay. And the 400 would be half an ounce?

13 A. Yes, sir.

14 Q. What's a dime?

15 A. A dime I would say is a gram or little less. You pay ten
16 dollars for just a hit. So that is an assumption. And it's
17 just an amount of money he believes he can make on selling
18 dimes.

19 Q. Well, my confidential sources say you can get eight dimes
20 out of a gram. Would that make sense to you?

21 A. I don't think you can get eight.

22 Q. I'm sorry. Eight dimes out of an ounce?

23 A. Eight dimes out of an ounce. I'm not sure on that one.

24 Q. So is this going to be -- this ledger -- is this what was
25 sold or is this what's in stock?

1 A. I'm not for sure if it's what is sold or what's in stock.
2 It may be what he believes he could make on the streets. If he
3 sold one, two, three, four ounces and one, two, three, four,
4 five half ounces, he would make \$6,400.

5 Q. Okay. Thank you. You also found 18 telephones at his
6 house.

7 A. Yes, sir.

8 Q. You didn't talk about the things you found at Jesus
9 Espino's house on search warrant, I don't think. I don't seem
10 to have that anywhere. What kind of things did you find at
11 Mr. Espino's house?

12 A. There was newspapers. Um, there was a weapon, the Ruger
13 pistol that we found, two magazines.

14 Q. That's correct. I think I wrote that in another section.
15 Okay.

16 A. Then we also found the 302 on Gallegos.

17 Q. Right. I apologize. You've got that right. Let's see,
18 you went to -- you said the 6385 Domingo, Number B or Apartment

19 B. That was Jesus Espino's residence?

20 A. Yes, sir.

21 Q. Okay. Now, you found some drugs, what you believe to be
22 drugs, at Omar Lopez's house. Is that correct?

23 A. That's correct.

24 Q. And it came out to how much?

25 A. About 97.5 grams.

1 Q. Not enough to equal all of the money on this ledger?

2 A. No, sir.

3 Q. And did you have a lab test done on that?

4 A. Yes, sir.

5 Q. Is that included in some of the testing that was stipulated
6 to earlier?

7 A. Yes, sir.

8 Q. Now, Mr. Fragoso's house, you found some cell phones.

9 A. Yes, sir.

10 Q. How many cell phones?

11 A. I believe there was two cell phones. Actually, it was, it
12 two. If I could see the exhibit again.

13 Q. That's -- I'm sorry.

14 A. And thumb drives. We had thumb drives.

15 Q. I don't remember if it was one or two or if it was a big
16 bag.

17 A. No, it was either two or four. There's so many cell phones
18 that came into this investigation. So I can't keep them
19 straight.

20 Q. Quite a few.

21 A. Yes, sir.

22 Q. Then you-all hit Carlos Perez and his house, right?

23 A. Yes, sir.

24 Q. AKA Bandit?

25 A. Yes, sir.

1 Q. All right. You found, um, some cell phones there or at
2 least a cell phone.

3 A. A cell phone, I believe, yeah. Yes, sir.

4 Q. You found a bunch of ammo and some guns, right, two rifles?

5 A. Two rifles.

6 Q. And they're on your far left?

7 A. Yes, sir. Yes, sir.

8 Q. We will have to get that -- when I was little my dad made
9 me wear -- put a leaf in this pocket and rock in this pocket,
10 you know, to try and remember where right and left are. And I
11 don't think it stuck.

12 A. I will try that one day.

13 Q. Let me ask you about the SKS rifle.

14 A. Yes, sir.

15 Q. You want to take a look at it? You can open up the box.
16 You don't have to pull it out. I don't want you have to point
17 it towards anybody or all that kind of stuff. But be real
18 careful with it.

19 A. Yes, sir.

20 Q. Okay. Now, which -- I looked at that. It looked to me
21 like it had a painted stock and barrel, things like that. It
22 looks like it's kind of spray painted or something. Is that
23 what you're getting by looking at that?

24 A. It looks like the top part is painted. Maybe it was
25 rusted. I'm not for sure on that.

1 Q. You know much about rifles and assault rifles?

2 A. I know that they fire a 7.62 round out of SKS.

3 Q. You know where SKS comes from?

4 A. No, sir.

5 Q. It doesn't come from the United States, does it?

6 A. No, sir, I do know that.

7 Q. My sources tell me it's made in China.

8 A. It could. Could be.

9 Q. Um, less expensive than an AK47?

10 A. Yes, sir.

11 Q. Older in design. I know it's got a plastic stock. But you
12 can buy those for just about anything nowadays, right? I mean,
13 I can buy a plastic BB gun if I needed it, right?

14 A. That's correct. That is correct.

15 Q. Not quite the same design as an AK47. Not designed to go
16 full auto. Is that correct?

17 A. I don't believe this is full auto. It's semi-auto.

18 Q. Okay. The ammunition that you found goes into that gun,
19 that's 7.62 by 39?

20 A. I know it's -- I don't know exactly what the extension is.

21 Q. Same type of ammunition that you would find for an AK47.
22 Is that correct?

23 A. I'm not for sure on that, sir.

24 Q. All right. Do you know the difference between burn end
25 primers and box end primers?

1 A. No, sir.

2 Q. Can you tell or do you know where the origin of that
3 ammunition is?

4 A. No, sir.

5 Q. I'm going to ask you to take a look. If you want to put
6 that up or on the floor or whatever. And take a look at that
7 Highpoint rifle. I know it's been plastic banded into that
8 box. So at least you don't have to worry about that one
9 falling out. Tell me about that. What kind of condition is
10 that rifle in?

11 A. I have not fired it. I believe it probably can be fired.
12 It's got a broken front sight on it. It doesn't look like it's
13 been updated as far as collapsable stocks. It's a fixed stock.

14 Q. The finish on it. What kind of finish does it have?

15 A. Like a polymer, plastic finish.

16 Q. Black also?

17 A. Black, also. Yes, sir.

18 Q. Got a front -- broken front sight?

19 A. Yes.

20 Q. Known to be notoriously bad shots?

21 A. Pray and pray.

22 Q. Now, that's nine millimeter, is it not?

23 A. I believe so, yes, sir.

24 Q. And, basically, shoots the same round as a 9mm handgun.

25 A. That's correct.

1 Q. A lot easier to get ahold of than a 9mm handgun, right?

2 A. This gun is easier to get ahold of.

3 Q. Easier to find and buy something like that. It's easier to
4 buy a rifle than it is a handgun?

5 A. I do not know. I've never bought one of these weapons,
6 sir.

7 Q. What's the purpose of having a rifle that shoots a pistol
8 round?

9 A. I do not know. I wouldn't know.

10 Q. Well, let me ask you something --

11 A. Cheaper rounds, maybe. Cost less.

12 Q. You've been in law enforcement for a good while now, right?

13 A. Yes, sir.

14 Q. You were in law enforcement before you started with the
15 FBI.

16 A. Yes, I was.

17 Q. Want to take either of these two weapons with you when you
18 go into a house-clearing operation?

19 A. No, sir.

20 Q. Not what I call high quality weapons. What would you
21 think?

22 A. Not high quality, no.

23 Q. You can put those down and away. I'm sorry.

24 Let me go to -- now move to the search you-all did on
25 Mr. Ramon Renteria's house. Did you find any cell phones?

1 A. No, sir.

2 Q. You found a cell phone bill. But did you ever find a cell
3 phone for that bill?

4 A. No, sir.

5 Q. Did you find any guns or ammunition?

6 A. No, sir, we did not.

7 Q. Did you find any heroin or cocaine, marijuana or any kind
8 of illegal narcotics?

9 A. No, sir, not in his bedroom.

10 Q. Did you find any kind of, um, court or FBI documents about
11 any co-defendants or anything of that nature?

12 A. No, sir, we did not.

13 Q. Didn't find any kind of search warrant papers like you
14 found in some of the other houses. No 302s.

15 A. No, sir.

16 Q. What you did find was a throw or blanket with an American
17 or native aboriginal motif?

18 A. Aztec motif.

19 Q. How do you know it's Aztec?

20 A. I've been working the Barrio Aztecas for 11 to 12 years.
21 And a lot of the Aztecas have the calendar, the culture.

22 Q. You sure it's not Toltec? I mean, because there's a number
23 of native Americans who have inhabited these regions.

24 A. I agree with you on that.

25 Q. And I mean, as far as the calendar, can you tell the

1 difference between a Mayan calendar and Aztec calendar?

2 A. No, sir, I cannot.

3 Q. So when it comes down to it, you're assuming it's Aztec
4 because you're dealing with Aztecas and that must be what it
5 is.

6 A. I wouldn't say because I'm dealing with Aztecas. It's just
7 that the Aztec culture is what typically the Aztecas have
8 hanging on the wall. So I kind of roll it all in together and
9 just -- Aztec culture.

10 Q. Now, I collect a lot of World War II memorabilia myself.
11 And I've got some Nazi memorabilia. Is that going to -- are
12 you going to draw conclusions about my political leanings
13 regarding that?

14 A. I'm not, but others may.

15 Q. Darn. I'm not even a Republican. Okay. Let me ask you
16 about what was marked -- I believe it's 14I. This was the bank
17 statement.

18 A. I wouldn't say bank statement. I call it financial
19 statement.

20 Q. Okay. Up in the corner, where does that come from?

21 A. Navy Federal Credit Union.

22 Q. So it's some type of account with Navy Federal Credit
23 Union?

24 A. Correct.

25 Q. Who has -- who can become members of the Navy Federal

1 Credit Union. Do you know?

2 A. I don't know what their policy -- a lot of credit unions
3 have changed in order to get more membership.

4 Q. Okay. I will grant you that. Who do you typically see
5 with Navy Federal Credit Union?

6 A. Military.

7 Q. And down here at the bottom right-hand, that would be the
8 balance in that account.

9 A. Yes, sir.

10 Q. Looks like it was opened with about \$200?

11 A. Yes, sir.

12 Q. Made two percent interest, what they call dividends. Have
13 to report that on the income tax statements. 1099 DIP, right?
14 They took away \$5.00 for service fee and what the big print
15 giveth the little print taketh away.

16 A. That is correct.

17 Q. All right. This -- and this was found in March. How long
18 had Mr. Renteria been out of prison?

19 A. He was released in September, I believe, 2010. So
20 September. . . six months, seven months.

21 Q. Okay. Six or seven months accumulated \$200 in a bank
22 account.

23 A. In that bank account.

24 Q. Have any other bank accounts that you were able to --

25 A. Not that I'm aware of.

1 Q. Living at his mother's house, correct?

2 A. Yes, sir.

3 Q. That's why the bedroom because the rest of the house
4 belonged to mom?

5 A. Mom.

6 Q. Okay. Are you aware of anybody or know anybody that is
7 military that's close to Mr. Renteria that might get him an
8 account with the Navy Federal Credit Union?

9 A. Yes. I believe his brother is in the military.

10 Q. Now, let's see, we were talking about Carlos Perez a little
11 earlier. That's where the junky looking rifles came from.

12 A. Yes, sir, that's where the rifles came from.

13 Q. Okay. What do you know about Carlos Perez and any drug
14 addiction or habits he might have?

15 A. I'm not for sure on his drug addictions, sir.

16 Q. Were you aware that he had a drug addiction or not?

17 A. I am not aware that he had a drug addiction, no.

18 Q. Okay. You did get to debrief Mr. Manny Lopez, didn't you?

19 A. Yes, sir, I did.

20 Q. And what did Mr. Lopez tell you about his drug addictions
21 or drug use?

22 A. That he was addicted to heroin.

23 Q. Did the FBI or another government agency under your-all's
24 direction or acceptance treat Mr. Lopez for drug addiction?

25 A. The day that we arrested him, we called a ambulance due to

1 the fact that he was going through DT withdrawals. So they had
2 to tend to him, yes, sir.

3 Q. He was going through DTs?

4 A. Yes, sir.

5 Q. He's not the one who had the dope. That was another one --
6 okay.

7 The -- skipping back to the search at Mr. Renteria's
8 house, the letters that you found.

9 A. Yes, sir.

10 Q. That were addressed to him in prison.

11 A. Correct.

12 Q. They were from a female.

13 A. Yes, sir.

14 Q. Did it look like a female's handwriting to you?

15 A. Yes, sir, it did.

16 Q. Sometimes it can be hard to distinguish. If you look at
17 mine, it's definitely scratch. My wife's is nice and pretty
18 and bold, you know. Did -- have anything in there about doing
19 jobs, dope running, anything like that?

20 A. No, sir, I do not recall.

21 Q. Basically, it's a pen-pal looking for somebody to hook up
22 with, isn't it?

23 A. It's a letter from a female.

24 Q. Yeah. Did you notice in 14L, the photo of the newspaper,
25 that there was a bottle of Oakland Raiders -- Oakland Raiders

1 bottle behind that?

2 A. I saw that in the background, yes, sir.

3 Q. Full of quarters. Does that speak anything towards gang
4 involvement? Do they have favorite teams or anything?

5 A. Dallas Cowboys is their favorite football team. They are
6 seen with jerseys sometimes with 21 on it.

7 Q. The 21. Go ahead and explain that. What's the 21 about?

8 A. 21 is -- the two is the second letter in the alphabet,
9 which is B. And one is the first letter in the alphabet,
10 Barrio Azteca, BA.

11 Q. So 21 is a significant thing?

12 A. Very significant for Aztecas.

13 Q. Did you find any 21 jerseys or anything like that, any kind
14 of stuff with 21 in Ramon Renteria's bedroom?

15 A. No, sir.

16 Q. I'm sorry. Just -- give me just a minute, please. Now,
17 it's been alleged that Mr. Ramon Renteria had the rank of
18 captain.

19 A. Yes, sir.

20 Q. Were you made aware of this prior to his leaving prison?

21 A. I was made aware that he was going to be taking over the
22 streets once he got out of prison.

23 Q. That was the talk?

24 A. That was the talk.

25 Q. You don't have anything from Ramon Renteria, writing,

1 telephone call, or otherwise, saying he was taking over the
2 streets, do you?

3 A. No, sir, not from Ramon Renteria.

4 Q. It's other people saying that's going to happen. Is that
5 correct?

6 A. Several other people.

7 Q. And those other people -- when other people say stuff about
8 someone, that's called what? I don't know. I used to
9 prosecute out in Van Horn, Texas. It's a little town. I'm
10 supposed to have dated at least 25 women in that town. And I
11 don't think there's 25 single women there. I'm supposed to --
12 we call that what?

13 A. You tell me.

14 Q. Gossip?

15 A. That's not gossip, sir.

16 Q. You're talking about the thing about Ramon, right?

17 A. Him taking over the streets was not gossip, no, sir.

18 Q. And the -- because your confidential sources -- or as a
19 matter of fact, they wouldn't lie to you?

20 A. Confidential sources and information we received off the
21 wire intercepts, yes, sir.

22 Q. And you ever run any -- handle any sources?

23 A. Yes, sir.

24 Q. About how many have you handled?

25 A. Since I've been in the bureau?

1 Q. Yes, ma'am.

2 A. 20 to 30.

3 Q. You ever been privy through wire or any other type of
4 recording device to a Barrio Azteca monthly meeting?

5 A. Yes, sir.

6 Q. How many you think?

7 A. Three.

8 Q. You're known as quite an expert around the nation in this
9 particular field. Where do you get your expertise from? Where
10 do you get your information from?

11 A. My expertise in my job or the information that I received
12 for --

13 Q. The other -- I'm sorry. I didn't mean to talk. I got a
14 quick lightning look there. Your expertise in this area of
15 this particular gang involvement, Barrio Azteca. Okay? Where
16 do you acquire your information?

17 A. From wire intercepts, from sources, from BOP, Bureau of
18 Prisons, from Texas Department of Corrections, from fellow
19 agents, from task force officers, from gang experts. I gather
20 information from all over.

21 Q. Gang experts are other people like yourself. And you-all
22 get together and compare notes?

23 A. I'm not an expert. I rely on the experts.

24 Q. Okay. Now, what about -- you say you get it from sources.
25 People you talk to are not necessarily under arrest.

1 A. Yes, sir.

2 Q. But they could be.

3 A. We try to keep it where they wouldn't be under arrest.

4 Q. They're allowed to continue with their criminal activity
5 while they give information to you?

6 A. No, sir, not unless it's authorized by us.

7 Q. How often does that happen?

8 A. If it does happen, they're terminated as far as being a
9 source. And we look at it as unauthorized criminal activity
10 and we shut them down and prosecution would be imminent.

11 Q. Is there authorized criminal activity?

12 A. There is, yes.

13 Q. Have you ever authorized criminal activity?

14 A. Yes, sir.

15 Q. Ma'am, you took an oath to uphold and defend the
16 Constitution of the United States, did you not?

17 A. Yes, sir, I did.

18 Q. And in that Constitution it talks about the protection of
19 the general welfare.

20 A. Yes, it does.

21 Q. When you authorize criminal activity of your sources, are
22 you protecting the general welfare?

23 A. I am. They are watched 24/7. If it is a drug buy, we
24 follow sources to and from. Everything is recorded. And
25 everything is documented and submitted to the FBI.

1 Q. So it's well-surveyed?

2 A. Yes, sir.

3 Q. Did you have surveillance on Ramon Renteria after he left
4 the penitentiary from Beaumont?

5 A. Yes, sir.

6 Q. And how much did you survey him? Was it 24/7 surveillance?

7 A. No, sir.

8 Q. What kind of surveillance was it, ma'am?

9 A. I generated a document that surveillance would be conducted
10 by our SOG, which is our surveillance team. But I don't know
11 how long it lasted. Um, they would pick him up and they would
12 lose him.

13 Q. Did they watch his house?

14 A. I do not believe so. Because we did not know exactly where
15 he was residing when he was released from the prison system.

16 Q. It's because he didn't go to a halfway house. Is that
17 correct?

18 A. It's not that it's correct. We just didn't know where he
19 was living when he got released.

20 Q. But he didn't go to a halfway house?

21 A. I'm not aware if he did or did not, sir.

22 MR. FOSTER: I will pass the witness.

23 THE COURT: All right. Anything further?

24 MR. SKARET: Yes, Your Honor. Just briefly.

25

REDIRECT EXAMINATION

BY MR. SKARET:

Q. Agent Mikeska, you authorize criminal activity as an agent with the FBI?

A. Yes, sir.

Q. Is there another name for this? Something like undercover operations?

A. Undercover operations. Undercover buy walks.

Q. Is this a common law enforcement technique?

A. Absolutely.

Q. How many FBI committees and approvals did you have to go through before you do a group one undercover operation?

A. Numerous.

Q. Why wouldn't Carlos Perez tell the world, including maybe some of your sources on the street, that he was a drug addict?

A. Because being a drug addict within the Barrio Azteca criminal enterprise is frowned upon.

Q. What did the Barrio Aztecas do if they find out that you are a drug addict?

A. They'll park you. Tell you you need to dry out. And if you continue to be a junky, what they say, they will issue a calentada.

Q. A calentada?

A. Yes, sir.

Q. What's that?

1 A. A beating.

2 Q. Mr. Foster mentioned that you did not find a gun or any FBI
3 documents or drugs at Ramon Renteria's house. That's true,
4 right?

5 A. Yes, sir.

6 Q. You didn't find any Western Union receipts?

7 A. No, sir.

8 Q. You did find a copy of the Gangland DVD though, right?

9 A. Yes, sir.

10 Q. You also testified that you found Exhibit 14C from El
11 Diario. Is that correct?

12 A. Yes, sir.

13 Q. What's the date? Here's 14C. What's the date on that
14 newspaper. Can you read that Spanish?

15 A. I believe it's January 28th.

16 Q. What year?

17 A. 2011.

18 Q. What day was the search performed?

19 A. March 11, 2011.

20 Q. So the defendant had kept this El Diario around for about a
21 month and a half?

22 A. That's correct.

23 Q. Now, you mentioned that Manny Lopez was the El Paso leader
24 when Spooky got out of jail. Is that right?

25 A. Yes, sir.

1 Q. And on March 9th, you also searched Manny Lopez's house.
2 Is that correct?

3 A. 2011, yes.

4 Q. And as a result of that search, what did you find?

5 A. We saw -- found a cell phone and there was several money
6 orders that we found. And we found some money, like \$1200
7 worth of cash.

8 Q. And?

9 A. From the drugs.

10 Q. And the Western Union receipts that you mentioned, who were
11 those made out to?

12 A. They were not made out to anybody.

13 Q. Any idea who they were going to?

14 A. To my understanding his ex-wife.

15 Q. Is she a Barrio Azteca member?

16 A. No, sir.

17 Q. Are there any women in the Barrio Azteca?

18 A. There's associates. There's -- and they help them out with
19 communications. But there's no, like, made members, no.

20 Q. So you only found a cell phone and a couple of money orders
21 to an ex-wife at Manny Lopez's house?

22 A. That's correct.

23 Q. Who does Manny Lopez's dirty work for him?

24 A. Omar Lopez.

25 Q. Is that his brother?

1 A. Yes, sir.

2 Q. That's the search where we found 17 cell phones, heroin?

3 A. Correct.

4 Q. All the Western Union receipts?

5 A. Correct.

6 Q. Is there any evidence that Ramon Renteria served his
7 country as a member of the U.S. military?

8 A. I'm sorry?

9 Q. Is there any evidence that Ramon Renteria served his
10 country as a member of the U.S. military?

11 A. No, sir.

12 Q. With respect to the FBI 302, that was found at Jesus
13 Espino's house. Direct your attention to Exhibit 10A. As I
14 look at Exhibit 10A, it would appear that this is an interview
15 with an individual named Gallegos. Does that appear to be
16 true?

17 A. Yes, sir.

18 Q. And this was actually a 302 out of a Barrio Azteca case.
19 Is that correct?

20 A. Yes, sir.

21 Q. Was this a 302 that came from the Bobby Mesa case?

22 A. Yes, sir, out of Albuquerque.

23 Q. Who was the case agent on the Bobby Mesa case?

24 A. Yes, sir, Greg Waterson.

25 Q. Is that the same Greg Waterson that's sitting in here with

1 us today?

2 A. Yes, it is.

3 Q. You mentioned you do not hand out these 302s willy-nilly to
4 defense lawyers. Why is that?

5 A. Due to the fact in 2008 one of our defendants had a full
6 stack of discovery in his jail cell. And when you hand these
7 over, they will know who's cooperating. And there will be
8 ramifications to the individual who's cooperating.

9 Q. And by finding a 302 of this individual who's on the 302,
10 is that proof that he's cooperating with the FBI?

11 A. Yes, sir. There's a statement on here that says Gallegos
12 agreed to a follow-up interview with the interviewing agents at
13 a later date.

14 Q. Is it safe to say his cooperation with the FBI is written
15 in blood on this particular 302?

16 A. Absolutely.

17 Q. Are you familiar with rules about cooperating with law
18 enforcement?

19 A. Yes, sir.

20 Q. What is the rule?

21 A. Very much frowned upon. In fact, you will get put on the
22 muleta list if you cooperate. Black list.

23 MR. SKARET: That's all. Thank you, Your Honor.

24 THE COURT: Anything further?

25 MR. FOSTER: No further questions.

1 THE COURT: You may step down. It's 4:30. We're
2 going to recess for the evening. Remember, you remain under
3 all the instructions the Court has previously given you. See
4 you tomorrow morning at 8:30.

5 (Recess for evening.)

6 THE COURT: Anybody need anything?

7 MR. SKARET: Not from the Government.

8 MR. FOSTER: We're good, Judge.

9 THE COURT: All right. We'll see you tomorrow morning
10 at 8:30. Thank you.

11 (Recess for evening.)
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I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Signature: /s/ David A. Perez, RMR, RPR Date: July 16, 2013

David A. Perez, RMR, RPR